
The Aims, Methods and Activity of the

LEAGUE OF NATIONS

GENEVA 1935

SECRETARIAT OF THE LEAGUE
OF NATIONS

This little book, which is due largely to the joint efforts of the Information and Intellectual Co-operation Sections of the Secretariat of the League of Nations, represents an attempt to carry out the recommendations made by the Advisory Committee on League of Nations Teaching at its two meetings on July 10th, 1935.

It is also an attempt to supply the general public with a useful, though by no means exhaustive, account of the League's origins, organisation, methods and achievements.

Though published by the Secretariat, it should not be regarded as an official document involving the responsibility of the League of Nations.

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Part I

THE LEAGUE OF NATIONS

I. INTERNATIONAL ORGANISATION BEFORE THE LEAGUE EXISTED

The view has often been expressed, and was especially current about the time of the League's tenth anniversary, that the mere fact that it was possible in 1919 to form such an association of States as the League of Nations, was an astonishing sign of progress, and that the twenty-six articles of the Covenant marked a breach with the barbarous practices of the past.

It may be that those who one day are able to look back on thirty and not merely on ten years of its existence will regard the Covenant as marking a new epoch in world history. But it is well that a man of the present day who wishes to understand the League should begin with the assumption that, here as elsewhere, *natura non facit saltus*. In considering the League's origin, he should ask himself whether the League idea is not really the crowning achievement of earlier aspirations and even of earlier successes, rudimentary as these may have been.

Historical Antecedents

History shows that the idea of associating (by conquest or otherwise) a number of cities or States for peaceful ends is one that has from time to time appealed strongly

to men. It was made manifest in the Greek Amphictyonies, in the *Pax Romana*, in the mediæval Church, and in the Holy Alliance, which last is at this point worthy of some little attention.

As we know, the Covenant of the League (1919) was deliberately organised by a powerful group of States, alarmed at the appalling sacrifice of human life and property that had been needed to prevent an overthrow of the equilibrium of Europe or even a world upheaval, and determined to prevent the repetition of such a calamity as the great war. Behind the cloud of prevailing passions, there lurked the idea of organising the world justly and fairly, in such a way that not only neutrals, but also the former enemies of the founders might be induced to benefit by the reciprocal guarantees that the new organisation offered. And so it came about that gradually, between 1920 and 1932, the great majority of neutrals and all the former enemies of the founder States became Members of the League.

In its outlines, the treaty of " Holy Alliance between Their Majesties the Emperor of All the Russias, the Emperor of Austria and the King of Prussia ", signed at Paris on September 26th, 1815, despite the vagueness and obscurity of its terms, had theoretically for its object, like the Covenant, to preserve the peace from all risk of outrage; for, like the Covenant, it was framed at a time when a general international settlement was following on a period of upheaval due to war, and it manifests an earnest desire to find a sure foundation for peace. Unfortunately, the spirit of justice in which the Covenant and the Holy Alliance were conceived has suffered from their origin. The Holy Alliance, like the League, had original members as a nucleus to which other States were invited to attach themselves. Article III of that treaty

is in some respects the forerunner of the Preamble and Article 1, paragraph 2, of the Covenant, in which it is provided that " any . . . State . . . may become a Member of the League . . . provided that it shall give effective guarantees of its sincere intention to observe its international obligations ". And, in fact, Germany became a Member of the League in 1926,[1] just as the King of France—the ex-enemy country of that time—joined the Holy Alliance on November 9th, 1815.

But here the parallel stops; for, in 1822, the machinery of the Holy Alliance ceased to function properly. In the hands of Metternich and Tsar Alexander I, it had became a mere instrument for putting down internal revolutionary movements, and, on coming into power in 1822, Canning had refused Great Britain's support.

A Glance at the Nineteenth Century

The century between the Napoleonic wars and the great war was one of striking inconsistency.

On the one hand, thanks to steam, electricity, the internal-combustion engine—in a word, to the industrial revolution—there was a stupendous development in transport, involving an ever-increasing traffic in passengers and goods between near or distant lands, and consequently a growing interdependence between countries, creating many new international problems.

On the other hand, the idea of nationhood became more and more pronounced, the absolute sovereignty of the State was constantly insisted on, and there was hesitation to accept limitations of the exercise of that sovereignty in the interests of the collectivity.

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[1] She ceased to be a Member on October 21st, 1935.

In 1914, in spite of the flourishing state of international relations, the international political machinery of Europe was less effective than that which worked more or less satisfactorily about 1818.

And yet the century, which in one sense seems to have been an age of reaction, was one in which the need for international regulation was strongly felt. This period witnessed the germination of new executive, legislative and judicial institutions, whilst those already existing continued to develop gradually.

These fragmentary elements of an international organisation which were dimly apparent in 1914 may for convenience be classified as follows :

Diplomatic Relations between States

In the first place, States, in accordance with old and well-established custom, settled their international affairs through diplomatic and consular channels. The national diplomatic and consular services worked on lines already internationally standardised. Practice and procedure in all States were more or less the same.

The duties of diplomatic agents were not confined to settling verbally such questions as arose daily between States. They often had to negotiate more lasting settlements by way of treaty. The number of bilateral and multilateral treaties between States increased to an astonishing extent in the nineteenth century. This dense network of treaties and the vast number of subjects dealt with by international agreement were but a sign of the growing complexity of inter-State relations. There arose a tendency to substitute a series of regulations —strongly suggesting tentative steps towards international legislation, relatively permanent, and dealing with subjects of general concern—for temporary bargains on day-to-day questions.

INTERNATIONAL LAW

At the same time, an international conscience was developing, finding expression in the growth of international law; a system of general principles and detailed rules was beginning to determine inter-State rights and obligations, in peace, in war and in the case of neutrality.

International lawyers were also engaged in classifying the ever-growing body of material forming the *jus gentium* and tracing out its general tendencies—in short, codifying it. Official efforts at codification were also made, as in the Geneva International Convention of 1864, which set forth the rules of international law for the treatment of wounded on the field of battle.

ARBITRATION [1]

The idea of arbitration between States made noteworthy progress in the last half of the nineteenth and beginning of the twentieth centuries. It seems to have found the most ready acceptance in Anglo-Saxon and Latin-American countries. The British and United States Governments were bold enough—for in those days it needed great boldness—to apply the principle in practice, even where the issues at stake appeared considerable—for instance, in the famous case of the *Alabama* (1862-1871) that arose between those two countries.

The permanent arbitration treaties of that time, however, were, for the most part, limited by important restrictions and reservations. Disputes not of a legal nature were excluded, and even legal disputes which affected the honour, independence or vital interests of States. In other words, only minor disputes which in any case were hardly likely to lead to war fell within the

[1] By arbitration is meant the giving of a friendly award by a disinterested third party in a dispute between two parties.

scope of arbitration treaties. With this reservation, the list of arbitrations before 1914 was already an impressive one. Careful calculation puts the figure at 71 for Great Britain, 69 for the United States, and 33 for France. South American States often had recourse to arbitration. In 1903, France and Great Britain concluded a permanent treaty of arbitration which served as a model for many others. In London and Washington, arbitration had become a customary Government practice. It was enthusiastically recommended by peace societies on both sides of the Atlantic. Certainly, this procedure, more than any other development in pre-war history, cleared the way for the Covenant of the League, whose main purpose is to substitute judicial settlement for the arbitrament of war.

International Administration

During the nineteenth century, an ever-growing number of official and private international organisations came into being, according as need was found for them; their purpose was to deal with matters concerning a number of States, and they possessed a certain executive capacity. There were about four hundred of these in 1914. Not all, of course, were of equal value. Some were of only slight importance from the point of view of world organisation. But others represented a genuine and valuable effort towards that end. This was true of many of the fifty or so administrative bureaux set up for the carrying out of certain duties in accordance with the provisions of various conventions. There was the Universal Postal Union (1878), which arranged without hitch for the exchange of letters, printed matter and samples between about sixty States, which jointly bore the expense of an international bureau at Berne, serving

as a centre of communication, information and consultation.

As, before the war, Europe was the political, commercial, financial and intellectual centre of the world, most of these bureaux were situated in European cities: the International Red Cross (1864) at Geneva, the International Institute of Agriculture (1905) at Rome, the International Institute of Health (1907) at Paris, etc. But, in the New World, similar tendencies were to be noted, and Washington had become the centre of a number of inter-American associations, notably the Pan-American Union (1890).

On the whole, these first attempts at international administration gave good results. At least they showed that it was possible, in certain cases, to put theories of international solidarity into practice, and to persuade Governments to consent to certain limitations of their sovereignty in favour of an international body, composed of nationals of different States and independent of their own Governments' authority. This was a cautious and strictly limited attempt at an international administration.

The Concert of Europe

Before the war, there existed an international machinery, creaking and often out of order, known as the "Concert of Europe". It consisted of meetings of the great Powers. About thirty such meetings were held during the nineteenth century. Napoleon III was the chief supporter of this diplomacy by conference. But his schemes were regarded with suspicion by the other Powers, who thought that his main concern was the aggrandisement of France rather than the higher interests of European peace. Thus the Concert of Europe was too often merely a machine at rest. It was only set in motion

after more or less interested representations had been made by one of the Powers. There was no continuity between one conference and the next; no principle, no charter, no notion of general interest to give life to this international body.

So this promising piece of machinery—the conference of the great Powers—hardly developed at all during the nineteenth century. Yet, as an advisory body, it was of great value. A study of its history shows that it had occasion to take executive measures, that, by giving decisions on general questions of international law, it sometimes acted as legislator, and that more than once it served as mediator between the divergent interests of its own members or of other Powers. Thus, in certain respects, it was a precursor of the Council of the League.

The Hague Conferences

A special place must be given, in our enumeration of the pre-League elements of international organisation, to the Hague Conferences of 1899 and 1907. More than any other fact of history, they show that, in the twenty years that preceded the war, the world was already slowly moving towards the Covenant of 1919, for which the tragic lesson of the war of 1914-1918 helped to ensure a ready acceptance. The growth of the peace spirit was hastened by the fact that the masses were more completely involved than in any previous war, and were convinced that they would be yet more so in the future.

As an innovation, the small Powers were invited to the Hague Conferences. The first of these was attended by the small States of Europe, by two Eastern States, and by Mexico, as well as by the great Powers. At the second, the South American States were also present. This is of great importance when we remember how completely

the great Powers had ignored the small at their most important meetings in the nineteenth century, and had settled without consulting them many matters that concerned them directly.

The main object of these Hague Conferences was to codify the laws of war; but they also endeavoured to develop the means of settling disputes between nations. These two purposes indicate what the participants had in mind. They regarded war as the natural and traditional way of settling serious disputes; but they admitted that there were other ways, and perhaps better ones, for, by improving these, they tried to encourage their use. It was even thought at the outset that the 1899 Conference might directly attack the question, then raised for the first time, of the reduction and limitation of armaments. But the jealousies and ill-will of the great Powers rendered these efforts vain.

Still, the Hague Conferences were a great step towards the establishment of rules for judicial and arbitral awards between States. The procedure of arbitration tribunals was to some extent codified, and mediation was rendered more accessible. An attempt was even made to set on foot a permanent court of international justice. This attempt failed, for the small Powers' claim to equal representation with the great seemed exorbitant to the latter. Failing a permanent tribunal composed of judges themselves permanent, the Conferences established a " Permanent Court of Arbitration ", which in reality was only a panel of arbitrators from which the parties might choose the members of an arbitration tribunal whenever one was required.

Thus States had applied themselves with some appearance of success to the task of devising pacific means for the settlement of disputes, and a third conference for

making further progress was in view when the war broke out.

These preliminaries were not merely time wasted. The very horror of the war its wide extent, and its long duration, served to strengthen men's conviction that now was indeed the time to get on with the work outlined before the great upheaval.

That is how so many of the articles of the Covenant are deliberately linked with the past. They are a conscious effort to strengthen the slender fabric woven before 1914, to weave into it new threads, and to render the whole as firm as the ambition of individual nations and the other obstacles to the development of an international conscience will allow.

II. THE ORIGIN OF THE COVENANT

The Covenant is the charter of the new international order which the League aspires to establish. It sprang from the great war, and it seeks to prevent war in the future. Its authors were the great Allied Powers, particularly the United States of America and Great Britain, the latter influenced in more than one respect by its Dominions. These Powers had certainly the most influence in the framing of the world settlement provided by the Treaty of Versailles and the other corresponding treaties.

Origins

The origin of the Covenant must be sought in the pacifist movements on both sides of the Atlantic, while the long-drawn-out war was giving occasion to those who look into the future to think what must be done, when the butchery ceased, to prevent its recurrence.

The first of these movements found its chief expression in the League to Enforce Peace, organised in 1915 by members of both the Republican and Democratic parties in the United States, who were profoundly stirred by the European Armageddon. The United States was then neutral, and it must be emphasised that it was neutrals, and among them an ex-President of the United States, W. H. Taft, who started the campaign for the re-establishment of peace with justice, including in their programme the judicial settlement of disputes capable of such settlement, conciliation for other disputes, and the periodical summoning of conferences to define or amend international law. It was a dynamic, not a static and conservative programme.

President Wilson was at first sceptical, even hostile; but early in 1916 he became convinced that the main suggestions of the League to Enforce Peace were not unwise, nor yet so chimerical as he had at first thought. He then became one of the warmest partisans of a League of Nations.

In Europe, the second of these movements for a breach with the system of warlike anarchy previously looked upon as normal gathered strength. It was specially strong in the English Labour Party and in several progressive parties on the Continent, which gave a very favourable reception to the ideas forcefully expressed by President Wilson in 1916 and 1917. Gradually, the establishment of an association of nations to preserve the peace of the world (when restored) became an essential point in the programme of most parties of the Left, especially in France, Great Britain and the Dominions.

The same need for organisation and international order was at length felt in the coalition of the Central Powers.

DEFINITE PROGRESS

Definite progress was made in two ways at the beginning of 1918. On January 8th of that year, in his famous Fourteen Points, President Wilson gave an outline of the peace he had in mind (restoration of an independent Belgium, establishment of an independent Polish State, etc.) and made suggestions for a League of Nations in points 1, 3, 4 and 5, and particularly in point 14, which ran as follows :

" A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike. "

The British Government, at the suggestion of Lord Robert Cecil, took the first step towards converting theory and principle into practical politics. A commission was appointed with Lord Phillimore as chairman. On March 20th, it presented a report, known as the Phillimore Plan. When this had been printed, it was sent for information to President Wilson, who studied it closely and passed it to his intimate friend and adviser, Colonel E. M. House. The latter added notes and comments in a document submitted to the President and known as the House Plan. This, with a few changes, soon became the Wilson Plan.

On December 16th, 1918, at Paris, General J. C. Smuts, Prime Minister of the Union of South Africa, published a pamphlet that may be regarded as the first outline of the system under which the former German colonies and certain Turkish territories were to be administered by individual Allied Powers, not in their own interests, but in the interests of the populations, and under mandate from the future League of Nations.

On the same day, Lord Robert Cecil also published a plan full of useful suggestions. The idea of the League was steadily gaining shape.

The Peace Conference

Then came the Peace Conference, one of whose first decisions was to create a League of Nations. At its second plenary meeting, held on January 25th, 1919, a Committee was appointed, with President Wilson as chairman, to draft and elaborate the " constitution " of the League. This Committee took as basis for its work the document in which a British member of the Committee, Sir Cecil Hurst, and an American member, D. H. Miller, had combined the American and British ideas.

After numerous meetings, during which various Governments, including the French, represented by M. Léon Bourgeois, were heard, the final text was approved at a plenary meeting on April 28th, 1919. This text was incorporated in the Treaty of Versailles (June 28th, 1919) and in the other peace treaties, to which it forms the preamble.

Different Conceptions

The Covenant appears to be a compromise between Anglo-Saxon and Continental conceptions, with perhaps a certain predominance of the former. This is to be seen especially in Articles 12 to 17, which form its backbone. In them are to be recognised the ideas of the Phillimore Plan, in the main unchanged: the widest possible substitution of peaceful procedure for settlement by war; the implicit acceptance of the idea that it is still too early to try to set up a super-State, with an army, which would represent the final stage in

international organisation, would impose its decisions, and would be in a position to repress any attempt at war immediately; and the acceptance, by States, of undertakings of the greatest importance, which, though they did not abolish State sovereignty, limited it severely, especially as regards the right to resort to war and the settlement of disputes.

The idea of holding a large democratic assembly of Governments in a capital or other city of a small State was, it seems, American. This extension to the whole world of the system of the Concert of Europe undoubtedly owes something to the President of the Washington Pan-American Organisation.

The idea of not limiting the League to its negative rôle of preventing war, but of regarding it as an urgent need of the present century for co-ordinating inter-State activities and smoothing the path of progress, seems to be due to General Smuts, who, it will be remembered, was also the champion of the colonial mandates idea.

The notion of open diplomacy which appears in the Covenant is essentially Wilson's. In practice, it has admittedly proved impossible to apply it without qualification. The humanitarian duties entrusted by it to the League are evidently also an Anglo-Saxon conception.

The League's origins being Anglo-American, its provisions are flexible and almost empirical. But, once the early mistrust had been overcome, it became a practical instrument for everyday use, and has rallied to itself not only all the States of Europe (except Germany) but the immense majority of the countries of the world.[1]

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[1] The League of Nations has at present fifty-eight Members. The following former Members have left the League : Germany, Brazil, Costa Rica and Japan.

III. THE NATURE AND AIMS OF THE LEAGUE OF NATIONS

Before we examine more closely what are the aims of the League as defined in the Covenant, and how far they may have evolved in the course of the last fifteen years, we must endeavour to define as accurately as possible what the League of Nations is, according to its constitution.

A. What the League is

The Sovereignty of States

Even a superficial examination of the Covenant shows that the League of Nations which it sets up is not a federation of States with its capital at Geneva, but a free association of States which undertake to pursue certain common aims; the individual States which belong to it do not thereby renounce their national sovereignty, nor, consequently, their *liberum veto*.

Indeed, allusions, sometimes direct but more often indirect, to the maintenance of the principle of the sovereignty of States are frequent in the Covenant.

Several clauses bear witness, for example, to the anxiety of the authors of the Covenant to avoid the slightest suggestion of coercion against a recalcitrant Member of the League (Article 4, paragraph 5, Article 8, paragraph 2, etc.). The League may only " formulate plans ", and " recommend " or " propose " solutions; it is " the several States " that " act ".

This reservation of the sovereignty of States is made even clearer by the explicit recognition, in Article 1, paragraph 3, and Article 26, paragraph 2, of their right to withdraw from the League. But it is perhaps shown

best of all in Article 5, which stipulates that " decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting ".

LIMITATIONS

While the Covenant recognises national sovereignties, with the consequences they involve, its authors clearly do not regard this as an ideal subject to no limitations. They are deliberately making a concession to present-day needs, to the conceptions and habits of States as at present constituted, which does not prevent them from pointing to the path that humanity must follow if it is to emerge from the era of localised or general wars. This is another aspect of the Covenant, looking resolutely towards the future and involving very important practical limitations of the exercise of State sovereignty. The League as it now exists is much more than a mere assembly or collection of the sovereign States of which it consists; it has a separate being.

In the first place, it is obvious that Articles 10, 12 and 15 materially limit the freedom of Members of the League in case of war or international disputes likely to lead to a rupture. Going still further, Article 16, paragraph 4, provides the possibility of expelling a Member from the League against his will.

There are also several cases in which, under the Covenant, the League can take decisions by a simple majority—*i.e.*, against the wishes of certain States. Under Article 1, for instance, a State considered undesirable by a third of the Members may be admitted to the League, and under Article 26 the Covenant may be amended in spite of the opposition of a minority of its signatories. Again, Article 11, in which " any war or

threat of war . . . is . . . declared a matter of concern to the whole League ", and in which it is stated that " the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations ", confers on the League wide powers of intervention, which cannot easily be reconciled with the dogma of absolute national sovereignty.

The League as a Separate Entity

Moreover, several clauses of the Covenant which have acquired concrete reality imply a League of Nations with an existence of its own independent of its constituent elements. Having its permanent Secretariat and its own budget (Articles 2, 6 and 7), the League, it has been observed, is a more strongly constituted body than most of the confederations known to history.

Similarly, the creation of an Assembly and of a sort of directorate known as the Council, which, in virtue of Articles 3, paragraph 3, and 4, paragraph 4, " may deal at their meetings with any matter within the sphere of action of the League or affecting the peace of the world ", necessarily implies the autonomous existence of the League. The Assembly and Council have certain powers and responsibilities independently of the individual States. Again, it is obviously as a separate entity that " the Members of the League . . . entrust the League ", under Article 23, with the general supervision of various international agreements, and that, in virtue of Article 24, " all international bureaux already established by general treaties " are " placed under the direction of the League ".

Lastly, there is another provision of the Covenant which clearly presupposes that the League constitutes a separate entity—Article 22, which, in paragraph 2,

provides that certain nations shall act as "Mandatories", exercising "on behalf of the League" the tutelage of peoples "not yet able to stand by themselves".

There is yet more evidence to show that the Covenant is, indeed, a compromise between two conceptions: the old conception of the absolute sovereignty of States and the newer and bolder conception towards which the world is moving—that States must accept some limitations of their sovereignty.

Hence the essential duality of the League, and hence the inconsistencies with which the Covenant is sometimes reproached. In reality, it takes account of the present as determined by the past; but, at the same time, partly breaking with the past, it looks towards the future as an era of international organisation in which there should no longer be the same place for war as in the past. The new international ideal should be to minimise, if not eradicate completely, the causes of war.

B. The League's Aims

The essential aims of the League have been indicated in outline in what has been said of its origin and nature; they are the prevention of war and, simultaneously, the organisation of the world on peace lines. These two aims, which are interdependent, are inseparably connected in the Covenant. The first sentence of the Preamble defines them both:

"The High Contracting Parties, *in order to promote international co-operation and to achieve international peace and security* . . . agree to this Covenant of the League of Nations."

These same purposes are reiterated in one form or another throughout.

THE PREVENTION OF WAR

The programme for the direct prevention of war is set forth in Articles 8 to 19. Justice, honour and sincerity are the keynote of this programme. These ideals are only vaguely referred to in the Preamble, but they are of the essence of the Covenant, which, it cannot be too often said, has an ethical basis. That is the best guarantee of its future, and that is why the moral forces of the world have rallied to the League.

WORLD ORGANISATION

The methods by which, in the view of the authors of the Covenant, the world is to be organised on peace lines and the sense of solidarity is to be developed in men and peoples are summarised in Articles 23 to 25.

The League's scheme of international co-operation and mutual support covers the following fields: humane conditions of labour (Article 23 *(a)*), the suppression of the traffic in women and children (Article 23 *(c)*) and in opium and other dangerous drugs (Article 23 *(c)*), the maintenance of freedom of communications and transit (Article 23 *(e)*), equitable treatment for the commerce of all Members of the League (Article 23 *(e)*), and health (Articles 23 *(f)* and 25).

This list is clearly not meant to be exhaustive; for, though it is nowhere provided that the League may enlarge its field of experiment in international collaboration, Article 24 places under its direction the various international bureaux which were already established by general treaties, and it adds (Article 24, paragraph 2) that, " in all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the

consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable ".

ENLARGEMENT OF THE FIELD OF ACTIVITY

Here, evidently, there are possibilities of a considerable extension of the League's aims and duties. The last fifteen years show that, as the result of various proposals that have not met with much opposition, this latter work has been much extended and developed. But the League's primary object may be regarded as the preservation of peace, and its secondary object as the organisation of the world in the interests of humanity, and in the present state of the world the primary aims still loom much larger than the secondary.

At a number of League Assemblies, the various States of the world have decided to entrust to the League, or place under its guidance, some quite ambitious undertakings which the Covenant did not mention expressly: the issue of international loans for the settlement of the many refugees driven from their own countries after the war, or for helping countries in financial difficulties; the summoning of world conferences (Economic Conference of 1927, Monetary and Economic Conference of 1933, Conference for the Slavery Convention) to find, if possible, a general solution for the economic and financial *malaise* prevalent throughout the world; the drawing-up of a universal plan for limiting the production of narcotics to the requirements of legitimate world consumption; the preparation and partial supervision of a plan of technical assistance to any State in difficulty that may appeal to the League; the creation of a special organisation to encourage intellectual co-operation between nations, etc. In truth,

there has been a prolific increase in the organisation work which States have assigned to it during the past fifteen years.

Special Duties

The Peace Treaties of 1919 and the following years also conferred upon the League certain duties relating to their execution. For instance, it was responsible until January 1935 for the administration of the Saar Basin, which it delegated to an international Governing Commission; and at the present time a League High Commissioner resides in the Free City of Danzig. In the first years of its existence, it had many such tasks to perform; but they were never its chief aim, and, save for the mandate system and the protection of minorities, which will be dealt with later, these tasks are steadily diminishing in importance.

Two instruments of fundamental importance are connected with the Covenant: the Statute of the Permanent Court of International Justice, provided for by Article 14 of the Covenant, and the Preamble to Part XIII of the Treaty of Versailles and the corresponding parts of other treaties concluded shortly after by former belligerents. In this Preamble, Article 23 *(a)* of the Covenant—which itself contains the main principles—is developed. The Preamble constitutes the charter of the International Labour Organisation.[1] The special purposes of these two autonomous organisations rank

[1] Not to complicate Chapters I and II unduly, we have not mentioned that the *social*, as well as the *political*, side of international organisation has been developing since the beginning of the nineteenth century, when big industries first came into prominence, and that, like the Covenant, the International Labour Charter was influenced by the activities of certain individuals and organisations during the war.

naturally among the general aims of the League as we have briefly summarised them.

THE PERMANENT COURT OF INTERNATIONAL JUSTICE

It is provided in Article 14 that the Permanent Court " shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly ".

These two functions enable the Court, in its own sphere, to prevent disputes from degenerating into being a danger of war. At the same time, by establishing international precedents, it is undoubtedly developing international law, and, by administering justice between States, it helps to promote world stability.

THE INTERNATIONAL LABOUR ORGANISATION

The International Labour Organisation's aims are also in some ways twofold. In the first lines of its charter, it is said that " the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice ", and that " conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled ".

But apart from this aim of peace and harmony in the world, which is common to the Labour Organisation and the League of Nations, the Organisation is entrusted by Part XIII of the Treaty of Versailles with a whole programme for the organisation of labour throughout the world : regulation of hours of work, establishment of a maximum working day and week, regulation of the labour supply, prevention of unemployment, etc.

This is an ideal of human and social progress, inspired by faith in man's capacity, if he but will, to improve the lot of the workers in every country in the world. The special aims of the International Labour Organisation are linked up with certain humanitarian purposes assigned by the Covenant to the League. Thus it is not surprising that the two organisations, each with its own objects and by its own means, often join forces in their effort to secure international legislation on various subjects.

IV. THE LEAGUE'S INSTRUMENTS AND METHODS

A. Creation of a Framework for the Political Organisation of the World

From the earliest times, men have waged war on each other, and the world has always lived under the anarchic rule of force. That being so, the practical rôle which, as we have seen, is assigned to the League by the Covenant may be regarded as a highly ambitious one.

Yet it is perhaps less unattainable than it seems; for wisdom and moderation have always triumphed over brutal impulses, and the peace movement of the last fifteen or eighteen years has been accompanied by a growing realisation of the disastrous, all-embracing and exterminatory character of war as now conducted with the help of the latest conquests of science.

The authors of the Covenant have created a framework for the political organisation of the world in the form of an Assembly and a Council assisted by a permanent Secretariat. It is through them that " the action of the League " is " effected " (Article 2 of the Covenant).

THE ASSEMBLY

In homage to the deeply rooted idea that all States, great or small, have equal rights, all the Members of the League are represented on a footing of complete equality in the Assembly, where they have only one vote and not more than three delegates each. This direct participation of all the States Members naturally makes the Assembly the constitutional organ of the League, which takes the initiative and defines its general policy by resolutions.

THE COUNCIL AND ITS TECHNICAL ADVISERS

Meeting as it does only once a year (in the absence of special sessions), and comprising some sixty voters, the great majority of whom represent small States, the Assembly is not cut out for the part of an executive body. That rôle in practice devolves on the Council.

The Council was originally to be composed of nine members: five great Powers as permanent Members,[1] and four non-permanent States elected by the Assembly. The idea of this distinction between permanent and non-permanent seats is that the great Powers, having world-wide interests and heavy political and other responsibilities, must have permanent seats on the Council, while for other Powers the principle of representation by the countries elected by the Assembly can be accepted without injustice.

But this last category of States—those which are not among the largest or most powerful—has won a much

[1] United Kingdom, United States of America, France, Italy, Japan. The defection of the United States reduced the number of permanent Members to four, till Germany came in in 1926. In 1935, Germany and Japan left the League, but in 1934 the Union of Soviet Socialist Republics received a permanent seat on joining it. There are therefore at present four permanent Members of the Council.

bigger place in the Council in the past ten years. They are at present eight in number. [1] Further, it was agreed in 1926 that certain countries might form part of the Council on a semi-permanent footing. These States are Spain and Poland. But this semi-permanent status is not derived from the Covenant. These States cannot be re-elected unless, at the end of their term of office, they are declared re-eligible by a two-thirds majority of the Assembly.

Unlike the old " Concert of Europe ", the Council has thus from the outset given the small Powers an opportunity of taking a really responsible interest in the conduct of international affairs.

Until 1928, the Council met four times a year. Since then, the number of sessions has been reduced to three (January, May, September). This wider interval was the result of an important and gratifying development —since 1924 especially, the Foreign Ministers of the principal Powers had formed the habit of attending the sessions of the Council in person, whereas previously the permanent Members had usually been represented by persons who were not actually members of the Government in power. Being unable to leave their capitals so frequently, the Ministers had little difficulty in persuading their colleagues to hold one ordinary session of the Council less each year.

When a grave event calls for an urgent meeting of the Council, a special session is held. This has occurred with some frequency in the last few years.

As a political body, the Council is not technically qualified to settle direct many special questions which are

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[1] Argentine Republic, Australia, Chile, Denmark, Ecuador, Portugal, Roumania, Turkey.

nevertheless within its province. We have seen that on legal questions it can take advisory opinions from the Permanent Court of International Justice. Quite often, too, especially in its earlier years, it has itself set up Committees of Jurists to deal with particular legal difficulties. But, more important still, owing to the special and permanent functions conferred on it by the Covenant (in regard to communications and transit, child welfare, etc.), it has successively set up a large number of technical committees to advise it, and even complete " Organisations ", like the Health Organisation and the Intellectual Co-operation Organisation. These committees and organisations, which play a big part in the life of the League, often find it necessary in their turn to set up more or less permanent sub-committees to study their special questions.

THE SECRETARIAT

Since the League's work was to be carried on continuously, it required a permanent organisation, strictly international in composition. Situated at Geneva, this organisation, which is the League Secretariat, stands in roughly the same relation towards the Council and the Assembly as ministerial departments stand towards their national Governments. It collects material before the actual proceedings, and afterwards carries out the decisions taken. At the same time, it provides the necessary continuity between one meeting of the Council or Assembly and the next.

In the early days, some observers thought that there were too many British, French and Italian nationals, especially the first two, among the high officers of the Secretariat. But the Assembly (that of 1932) put through an important reform which aimed at preventing the

relative preponderance of the nationals of any particular Power from holding a majority of the chief offices in the Secretariat. Not more than two of the principal officers may now be of the same nationality.

At the same time, one of the two Deputy Secretaries-General must be a national of a State not permanently represented on the Council, and a growing number of high officials are nationals of small States.

The tendency within the Secretariat is thus parallel with that which we have observed in the Council.

In brief,[1] in order to perform the tasks assigned to it by the Covenant, the League of Nations has set up a whole organisation covering its dual task of safeguarding peace and developing international co-operation on the technical side. This organisation, of which the key units are the Council and the Assembly, combines the advantages of elasticity with those of genuine stability. It seems sufficiently comprehensive and well devised to meet the present requirements of the international community.

B. The League's Machinery for Preventing or Settling International Disputes

For its purpose of creating and maintaining international security, the League has at its command certain instruments, provided directly or indirectly by the Covenant, which require States, on joining the League, to accept preliminary obligations. These, if observed, themselves constitute a barrier against war, and create the necessary machinery for safeguarding peace.

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[1] For details of the Leagues' organisation, see "Essential Facts about the League of Nations", published at Geneva by the Secretariat of the League in the two official languages and also in Spanish, Italian, German and Japanese.

THE OBLIGATIONS IN THE COVENANT : THE PREAMBLE

In the first place, States assume a general obligation, laid down in the Preamble, firmly to establish " the understandings of international law as the actual rule of conduct among Governments ", and scrupulously to respect " all treaty obligations in the dealings of organised peoples with one another ".

A treaty signed and ratified is an obligation contracted —*i.e.*, a promise on the part of a State to subject the exercise of its sovereignty to one or more restrictions agreed to by it beforehand, in exchange for reciprocal restrictions accepted by the other signatory or signatories.

The universal and genuine observance of this clause by the Members of the League is, or rather would be, in itself sufficient to ensure international security. But the Covenant also lays down obligations of a new kind, restricting the right of States to resort to war and requiring them to lay their disputes before the Council.

ARTICLE 10

In the first place, " the Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League ".

If we bear in mind the fact that the object, or at least the result, of most of the wars which have broken out in the past has been the conquest of the neighbouring country's territory, we shall see that this article affords an extensive guarantee of security, provided both its negative clause *(to respect)* and its positive clause *(to preserve as against external aggression)* are faithfully carried out. It will be remembered that it was on account of this last-named clause that the Government of the United States of America refused to enter the League.

ARTICLE 11

Paragraph 1 of Article 11, which is drawn up in very general terms, empowers the Council, in the event of any war or threat of war, to " take any action that may be deemed wise and effectual to safeguard the peace of nations ".

This is one of the articles that have been most frequently appealed to in practice. Under Article 11, the Council has endeavoured to prevent a clash, or to stop hostilities which have already broken out. Indirectly, it has led the Council, in order to obtain the desired result, to find a solution of the dispute which had given rise to hostilities or a threat of hostilities.

ARTICLE 12

Under Article 12, the Members agree " that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council ".

This article contains two separate obligations : (1) the obligation of States to agree to the Council's intervention in any grave dispute, unless they have recourse to arbitration or judicial settlement; (2) their obligation not to resort to war until three months have elapsed. The purpose of this latter provision is, of course, to allow a Government time for reflection. A conflict postponed is often a conflict avoided.

ARTICLE 13

This article, which deals with the first of the methods proposed—the method of judicial settlement (*i.e.*,

settlement by a permanent international tribunal, the composition of which remains unchanged—in fact, by the Permanent Court of International Justice) or arbitration (*i.e.*, settlement by one or more international arbitrators chosen by mutual agreement between the parties)—leaves it to the parties to decide whether the dispute is suitable for settlement by either of those means (paragraph 1). It also enumerates the types of disputes which in practice have been found to lend themselves most readily to those methods of settlement. These are " disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach ".

ARTICLE 15

Should the parties not have recourse to judicial settlement or arbitration, serious disputes arising between them may, under Article 15, be submitted by one of the parties to the Council. The latter may itself bring the dispute before the Assembly; or, at the request of one of the parties, the matter will be taken out of the hands of the Council and referred to the Assembly.

We need not go into the details of the procedure laid down in the Covenant for the examination of disputes by the Council or Assembly. Suffice it to say that the Covenant does not overlook the possibility that the procedure of pacific settlement may fail. In that case, the parties are required not to resort to war for a certain period. It is stated in Article 12 that the Council must make its report within six months after the submission of the dispute, and that in no case may the Members of the League resort to war until three months after the

report by the Council. This makes a total of nine months during which, by agreeing not to resort to war, the signatory States allow themselves time for reflection, and make it possible for world opinion to bring its influence to bear.

Hence, the wars defined as lawful by the Covenant are those declared by the parties after the procedures described above have been exhausted and have failed.

It remains to consider the wars prohibited by the Covenant. These are wars undertaken before the termination of the procedure and the expiry of the stipulated time-limits, and also wars against a State which complies with an arbitral award or a unanimous report by the Council.

ARTICLE 16

Article 16 of the Covenant provides for sanctions against a State which resorts to war in disregard of the Covenant. Under this article, such a State is *ipso facto* deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not . . ."

This obligation to impose economic and financial sanctions devolves directly upon each State, independently of any decision taken by the League's organs. However, it appears to be desirable that those organs

should take steps to enlighten and guide States in doubtful cases and to prevent abuses.

The second paragraph of the article relating to sanctions provides that " it shall be the duty of the Council to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League ".

It will be seen that, unlike the previous sanctions, military sanctions are purely optional. The Council simply recommends them.

The Covenant therefore requires the Members of the League jointly to declare that they will regard a Member which resorts to war in disregard of its other obligations under the Covenant as having committed an act of war against all the other Members of the League. This joint undertaking means that all the nations Members of the League threaten to throw—or actually throw, as the case may be—the whole weight of their resources, which in theory are overwhelmingly superior, into the scale against the aggressor. Since, however, the League is not universal, the application of Article 16 is made more difficult by the increased burdens and hardships imposed on the Members under that article.

Reduction of Armaments

The obligations assumed by the Members of the League for the purpose of preventing clashes between national sovereignties by means of general concessions prior to the occurrence of any dispute do not end here.

Under Article 8, " the Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point

consistent with national safety and the enforcement by common action of international obligations.

"The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments."

This question of the reduction of armaments gave rise to protracted discussions as to the nature of the relation between the reduction of armaments and security. Some held that security should precede the reduction of armaments; others, that disarmament was itself the essential factor of security. Without seeking to decide this controversy, we may say that the deliberations of the League organs show that progress should be made simultaneously in each sphere, and that, inasmuch as it would prevent a race in armaments and remove the prevailing uncertainty as to the real extent of the armaments of other countries, a controlled limitation of the armaments of all countries would undoubtely constitute one of the factors of security.

In its attempt to fulfil the promises made in Article 8, the League had recourse, not to the Council, but to a diplomatic Conference in which both its Members and non-member States took part. This Conference, which began in February 1932, has done an enormous amount of work, but no agreement has yet been reached.

Protection of Minorities

Apart from the various obligations assumed by all the States Members of the League—the most obvious means at the League's command for ensuring peace—there is a special class of obligations undertaken by certain States but not embodied in the Covenant. The League has, however, constituted itself by treaty the guardian of those

obligations, which have been devised for the same general purposes of security, at all events in a limited area. We refer to the so-called " minority " obligations assumed either under the Minorities Treaties or under special Conventions, or in various Peace Treaties, or in declarations made before the Council by a number of European and Near-Eastern States (Poland, Czechoslovakia, Yugoslavia, Roumania, Greece; Austria, Bulgaria, Hungary, Turkey; Finland, Albania, Lithuania, Latvia, Estonia, Iraq). These obligations, it will be noted, were imposed both upon certain States ex-enemies of the Powers which framed the Covenant, and upon the Central and Eastern European States formed or enlarged by those Powers out of territory ceded by Germany, Russia, Austria-Hungary and Bulgaria.

The authors of the Peace Treaties realised that in some countries nationalities were intermingled to an extraordinary extent, and that the " minority " factor had been one of the main underlying causes of the great war. They endeavoured to create, through the peace settlement, a Europe more evenly balanced in the distribution of nationalities. In some cases, however, it was difficult to avoid including in one State minorities of a different race, religion or language from the majority.

Fortuitous causes have aggravated the problem. As a result of the Peace Treaties, States enlarged or re-established after centuries of eclipse suddenly found themselves governed by the ex-minorities of the States that had been reduced in size, while portion of the former governing majorities were in several cases attached as minorities to the States now governed by the ex-minorities of the " shrunken " States. In view of the acute national antagonisms and the accumulated rancours of centuries, insecurity and disturbances were likely to arise. To

guard against those latent dangers; the authors of the Peace Treaties decided to impose minority obligations upon those ex-enemy countries whose territories still contained minorities, and to impose identical obligations strictly on the reconstituted or enlarged States in which, through the Treaties, minorities were more or less enclaved.

In making these obligations reciprocal, the authors of the Treaties were undoubtedly inspired, if not by wholly impartial political aims, at least by a desire for European stability and equilibrium. For instance, the obligations assumed by States such as Czechoslovakia, Roumania and Yugoslavia, for the good of their Hungarian minorities, were designed to promote reconciliation between former enemy States, and so to help to establish security in a very troubled part of Europe.

The various Minorities Treaties, Conventions and declarations contain, in addition to a list of the explicitly recognised rights of minorities, provisions establishing the League's guarantee and the right of Members of the Council to bring to the latter's notice any infringement or threatened infringement of the rights so guaranteed.

In performing its duties in regard to minorities, the Council has done its utmost to appease the strife between minorities and majorities. So far as it has been successful, it has helped to prevent collisions.

ARTICLE 19

The articles relating to security (Articles 10 and 16) aim essentially at safeguarding the *status quo* and, in particular, the territorial integrity of the Member States as it existed when they entered the League. But it is a commonplace that the world has never been content for very long with the *status quo*. The power of States

grows or declines with the years, and what may have been fair at one time may be questionable or even unfair ten, twenty or a hundred years later.

When we examine the Peace Treaties of 1919-1920, supported as they are by Article 10 of the Covenant, which reads : " The Members of the League undertake to respect and preserve . . . the territorial integrity and existing political independence of all Members of the League ", we see that they create a situation favourable to those States which have no territorial claims.

The problem was not overlooked by the authors of the Covenant, who realised that the very existence of a legal machinery which jealously enforces treaty obligations (some of which were not assumed by the freewill of the contracting parties) may in some circumstances generate international disturbances by preventing or delaying the reviewal of situations that have become unsatisfactory.

For this reason, the Covenant makes reference to the peaceful revision of treaties in Article 19, whereby " the Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world ". This article is by no means ambitious; it does not empower the Assembly to revise treaties, but merely to advise States to reconsider them—a purely political and moral invitation.

As an instrument of peace, however, this article is, in the opinion of many, essential to the equilibrium of the Covenant. Its object is to make it possible for legal situations to evolve on lines parallel to the evolution of justice and international needs. It has been appealed to three times—by Bolivia and Peru in November 1920, in connection with the territorial question of Tacna-

Arica, and by China (1929) in connection with the extra-territorial rights still held by certain European Powers in her territory—but has never yet been applied; indeed, no Member of the League has formally demanded that it be set in motion.

C. League Methods

The League has set itself to deal with the concrete issues that have come before it, with the help of the powers conferred on it for the purpose. It is interesting to consider the spirit in which it has acted.

In the first place, the Members of the League have always recognised that, having no material force at its back, the League could only take effective action with the support of the moral forces existing in the world—whence, indeed, the code of international ethics that the League is called upon to apply derives—and with the assured co-operation of Governments.

Reassertion of the Principles of the Covenant

Hence it has always been, and still is, found necessary to repeat continually in the Council, and still more in the Assembly, the general principles on which the Covenant sets out to base the new international order.

It is the League's function to voice the ideals of justice, honour, loyalty to the given word, generosity and international mutual aid. When, in a dispute between nations, the League begins by " reasserting " the principles of the Covenant by which the case is clearly governed, it is bringing the Governments face to face with their responsibilities; it is recalling to them the undertakings they have assumed. In reasserting its own duties, and in evoking the unanimity or quasi-unanimity

of the nations on behalf of a principle, or a solution based on a principle, the League is fulfilling the very essence of its functions, the primary purpose of which is to exercise persuasion and to reaffirm the law of reason.

Spirit of Caution

Moreover, the moving spirits of the League—of which there has never been any lack, from Branting, Bourgeois, Balfour, Briand, Nansen and Scialoja onwards (to mention only those who are gone)—have never conceived of the League as having a monopoly of right or justice or the true international spirit. They have always admitted that the forces within the League and those without were in the nature of two communicating vessels. Of these two vessels, that which bears the name " League of Nations " is not necessarily in every case that which is best fitted for the end in view. Without ever shrinking from the difficulty of the tasks with which it has been confronted in recent history, or denying Article 11 of the Covenant, under which " any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League ", the League has more than once shown wisdom and a realistic spirit by recognising that circumstances may frequently point to proceedings outside the League as being more likely to induce or hasten a peaceful solution.

In the case, for example, of the Chaco dispute between Bolivia and Paraguay (1928-1935), the League, without dissociating itself in principle from its responsibilities in this grave territorial conflict, left, or rather transferred, the ultimate initiative in the settlement to a group of mediators set up outside itself, consisting of the neighbouring and other South American States most closely

concerned in a settlement. Negotiations (beginning in June 1935) of a strictly local character, but governed by the same principles by which the proceedings at Geneva had been characterised, proved to be, in fact, the best means of restoring peace in this part of the American continent.

Legal and Political Aspects

As a political body, the Council is compelled in its proceedings to consider chiefly political factors. But it is not often that a dispute is purely political, with no legal issues involved. Hence the Council is frequently able to separate the legal from the political elements in a dispute, and to refer the legal issue to the Permanent Court of International Justice for an advisory opinion. Such opinions have not the force of judgments of the Court; they do not settle the dispute, they merely throw light on a point of law. When the Council asks for a legal opinion from the Permanent Court, the highest judicial authority in the world, it obviously feels that the legal point is a decisive element of the issue; and, in fact, the Council has generally acted on opinions given at its instance by the Court.

Publicity

When the League has had a dispute brought before it, or has of its own motion taken cognisance of a dispute, and the circumstances are such that it alone is faced with the responsibility for a solution, the spirit by which it is guided in using the limited means at its disposal may be defined as follows :

The competent body—which is commonly the Council —first hears the parties to the dispute in an entirely friendly and receptive atmosphere. It is important that

both parties should be free to voice their grievances and thus relieve to some extent their pent-up passions. Frequently, they will take the first step by formulating their grievances in writing. The complainant has a natural priority over the respondent, since the latter has to hear the complainant's arguments before it can refute them. It is all the more important, therefore, that the respondent should have an opportunity of explaining and defending his standpoint at the earliest possible moment.

His defence is made public, just as the complaint was public. Here we have the Wilsonian conception of publicity, which is applied, within limits, to the League's proceedings, and represents one of the elements of its strength.

There have been times when disputes were dealt with *in camera.* This was the case as late as 1927, when the Polish-Lithuanian conflict, which arose out of the occupation of Vilna by a Polish general soon after the war, again came before the Council. The famous meeting at which Marshal Pilsudski and M. Voldemaras confronted one another (on December 10th, 1927) was a secret meeting. No doubt it was feared that there might be an explosion, or at any rate very lively recriminations, though in the event there was no sign of either.

As a symbol of candour, publicity is advocated in the Preamble of the Covenant, which recommends " open, just and honourable relations between nations ", and again in Article 18, which seeks to prevent secret diplomacy. The credit of the publicity principle has been enhanced by the fact that it dominates international discussions at Geneva. Of course soundings and conversations between Members of the Council in their hotels still continue; and it is neither possible nor desirable that they should cease. Negotiations with a

view to a general agreement based on mutual concessions have nothing in the ordinary way to gain from being bruited abroad; but there must be publicity at the beginning and end of the proceedings—at the beginning, to enable the parties to develop their arguments; and at the end, to explain and justify the results. This is, in fact, the existing practice and procedure.

By agreeing to public discussions, the Council and the parties make it clear that they have nothing to hide. The Council, in particular, is thus binding itself—even should its Members not be individually inclined to such an attitude—to be impartial and fair in the sight of the world. The presence of journalists and the general public at its meetings provides an effective check exercised by public opinion.

The Council has agreed to more and more publicity during the last fifteen years; but in the Assembly publicity has been the rule from the beginning. Great and small Powers have given vigorous expression to their most intimate anxieties. The candour and the wide scope of the discussions on minority questions in Europe in the 1933 Assembly, and again on the admission of the Union of Soviet Socialist Republics to the League in the 1934 Assembly, are recent examples of this.

As for the Permanent Court of International Justice, publicity has been essential, for the simple reason that the Court is a court. Its decisions, whether in the form of " Judgments " or " Advisory Opinions ", are given in public after public pleadings. Cases brought before the Court are argued freely and openly before it. Every document or other piece of evidence submitted to the Court is made public at the conclusion of the case. The public has thus all the necessary data to form a judgment on the Court's decision. The voting is published at the

head of the operative part of the decision, together with the names of the dissenting judges and, if they think fit, a statement of their reasons for dissent.

Since it eliminates all unjust suspicions and manœuvres in advance, publicity is the Court's most powerful ally in gaining public support. Like any other human authority, of course, the Court is fallible. Its judgments may be criticised; but the publicity they receive provides an unquestionable guarantee of weighty and impartial judgment, which serves as an incentive to the parties to accept its decisions.

Impartiality Technique

Partly as a result of the general pressure exercised by publicity—which the League is itself the first to desire—the League, and above all the Secretariat and the local Committees of Enquiry it appoints, have developed and popularised what may be called a real technique of impartiality.

The Council, and in particular the persons selected by it to report or to exercise functions on its behalf—selected always from nations and persons entirely extraneous to the conflict—make a point of understanding the attitude of each party, and eliciting the historical or psychological factors that have embittered the dispute, while holding a strictly even balance between the opponents. The Lytton Report on Manchuria (1931-1933), which proved almost equally unsatisfactory to the Chinese and the Japanese, is sufficient evidence of the anxiety of the Committee of Enquiry to remain impartial. The same is true of the Council's report in favour of a partition of Upper Silesia between Germany and Poland on the basis of the plebiscite results (1921). The political situation was such that, in the latter case, the Council's solution could be

enforced, whereas in the former it was rejected. None the less, the Lytton solution remains a standard example of objectivity and impartiality from the standpoint of history.

Tact and Persuasion

Thanks to the confidence thus inspired, and to the careful choice of the Rapporteur or Rapporteurs and their tact, courtesy and persuasiveness, and thanks also to the care with which every member of the Council is at pains to avoid anything capable of embittering a dispute or irritating the always susceptible national *amour-propre* of the parties, an atmosphere is gradually created in which the parties feel—in many cases—less reluctance to make concessions.

Such concessions, moreover, are always embodied in resolutions, which are invariably drafted in the most diplomatic language, while at the same time they leave no loopholes; for any ambiguity is liable to lead to difficulties of interpretation, and so to provoke fresh conflicts. Abrupt decisions are avoided, but prominence is given to what are regarded as the essential facts. Hence the impression, on the part of those who are accustomed to clear-cut issues of national policy, that Geneva resolutions are sometimes colourless.

Firmness

The League's primary object is to arrive at conciliatory solutions acceptable to, and accepted by, both parties. The enquiries, the negotiations, the moral pressure exercised by the Council or Assembly have no other aim.

It may happen, however, that such an aim is unattainable, either because of the disproportionate strength of the two parties, which encourages the stronger not to

yield an inch, or because both parties are equally obstinate. In such a case there is nothing for the Council or Assembly to do but to give its decision on the merits of the case (Article 15, paragraph 4 ff.), and to organise, if necessary, measures of coercion (Article 13, paragraph 4) or sanctions (Article 16).

The League is thus capable—as it has proved—of facing its responsibilities and, when justice and crude political realities conflict, deciding for justice, even where the cause of justice is the weaker.

D. Amendments and Extensions of the Covenant

Certain Members of the League were quick to feel that, for the sake of the future, some provisions of the Covenant, which they thought too vague or even somewhat contradictory, should be " interpreted " or " defined ", while in other respects it was necessary to " strengthen " it, to " fill up gaps ", or to " supplement " it by other treaties.

Hence, during the past fifteen years, frequent attempts have been made with varying degrees of success, both at Geneva and elsewhere, to amend the Covenant, to make it easier to enforce, or to back it up with a network of other pacts and treaties intended to operate on the same or parallel lines.

The ultimate object has always been the same—to strengthen or improve the instruments of peace at the League's command, with an eye to an uncertain future.

Amendments

In the early years, some statesmen thought that the Covenant could be strengthened, and security thereby

increased, by constitutional amendments, such as are contemplated in Article 26.

The Assembly's attention was first directed (in 1921) to Article 16—the " sanctions " article. But the amendments which it voted have not yet been ratified; the same Governments which voted them *in principle* at Geneva refrained, on further consideration, from committing themselves finally to what would have amounted to a fresh undertaking.

An important point is that, in practice, the essential act is not the voting of a resolution or the signing of a Convention (and only too often States go no further than that), but ratification, by which States are finally committed.

Failures

Various other attempts in the same direction have also failed—draft treaties, protocols and conventions which have been proposed and discussed in the League.

The first of these was a draft " Treaty of Mutual Assistance ", which specified how the aggressor was to be designated (this having been left quite vague in the Covenant), defined the obligations of assistance under Article 16, and provided for agreements for mutual assistance. It was submitted to the 1924 Assembly, but met with so much opposition that its doom quickly became apparent.

In the same year (1924), the Assembly adopted a general plan for safeguarding peace, which involved obligations far exceeding those of the Covenant. This plan, the now historic " Geneva Protocol ", aimed at erecting, outside the Covenant, machinery which would enable *all* disputes to be settled by compulsory decision. In other words, it instituted the new and bold principle

of compulsory arbitration. It also sought to organise security by strengthening the obligations of States and making their action to some extent automatic.

It soon appeared that the Geneva Protocol, which was not accepted by the United Kingdom, could not be put into force, and it was abandoned in the following year. But this apparently useless effort cleared the way for future action, and led to the conclusion of less ambitious agreements (Locarno).

Two more recent attempts with much more limited aims have so far suffered the same fate. They are a " Convention of Financial Assistance " (1930) enabling the Council to grant financial assistance to a State victim of aggression, and a " Convention to improve the Means of preventing War " (1931), which gives the Council certain powers to enact measures to prevent hostilities at times of emergency, and even to stop hostilities when they have already begun.

Successes

Not all the League's attempts to supplement the system of the Covenant have ended in failure. Some schemes, too, have been successfully carried through outside the League, though their promoters did not for a moment lose sight of the Covenant and its " defects ". Powerful forces continued to assert themselves in the world, acting on parallel lines to the League, and with the same objects. Hence there has been a conjunction of movements inside and outside the League; and, although, formally speaking, their result was achieved outside it, it is impossible to decide exactly what proportion of the success was due to such source of action.

In other words, there has been a veritable rivalry and increasing co-operation between Geneva and the other forces acting in the same direction.

THE OPTIONAL CLAUSE (1920)

The first in time of these supplements to the Covenant, one of the strongest, and the one which is most closely incorporated in it (since it may be described as " intra-League "), is what is known as the " Optional Clause " provided for in Article 36 of the Statute of the Permanent Court of International Justice. This clause is worded as follows :

" The undersigned, being duly authorised thereto . . . declare, on behalf of their Government, that, from this date, they accept as compulsory, *ipso facto* and without special convention, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court. . . . "

As the word " optional " indicates, the intention was to avoid coming into violent collision with the convinced opponents of the *compulsory* jurisdiction of the Court —the school of thought which admits no limitation of the sovereignty of States—while at the same time allowing States which placed greater confidence in international judicial proceedings to add this definite undertaking to those embodied in the Statute of the Court itself.

The idea was clearly a sound one, for the tendency to accede, though slow at the beginning, has proved to be sure, and there are now forty-two States bound by the Clause. This means that forty-two States (including Germany, the United Kingdom, France, Italy, etc.) have undertaken, with certain reservations, to submit to the Court all or some of the categories of legal disputes concerning the interpretation of a treaty, any question of international law, the existence of any fact which, if

established, would constitute a breach of an international obligation, or the nature or extent of the reparation to be made for the breach of an international obligation.

History shows that many disputes of this class have in the past degenerated into wars, so that the success of the Optional Clause is really encouraging.

General Act of Arbitration

Another considerable extension of the Covenant proper was the adoption by the Assembly (1928) of the General Act of Arbitration, open for the accession of all States. The General Act came into force on August 16th, 1929, and twenty-three States have so far acceded to it.

Until then, there was no single general treaty whereby those nations which wished to extend compulsory arbitration to disputes other than those enumerated in Article 36 of the Statute of the Permanent Court of The Hague could do so quickly and easily; they had to keep on negotiating bilateral treaties until they had made the same arrangement with all other countries.

The disadvantages of this method are obvious. Inertia, and in some cases strained relations, prevent the conclusion of such bilateral treaties. Dr. Nansen raised the question in the 1927 Assembly, and urged that a series of model treaties of arbitration, conciliation and security should be drawn up. Active preparations were made, and on September 26th, 1928, the Assembly adopted a treaty known as the General Act of Arbitration, which it immediately opened for the accession of all States. Its peculiar feature is that it is so drafted that it can be accepted either as a whole or in part.

The General Act marks a step in the history of the League and in the history of arbitration. We may briefly summarise it here.

The first chapter deals with *conciliation*. It provides that all disputes (including, therefore, political disputes) which have not been settled by diplomacy shall be submitted to bilateral conciliation commissions.

The second chapter, which concerns *judicial settlement*, provides that all legal disputes shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree to have resort to an arbitral tribunal, or, in the first place, to attempt conciliation.

The value of the third chapter, which deals with *arbitration*, has been variously estimated. It provides for the settlement by arbitral award—that is to say, by a binding decision—of political disputes in which conciliation has failed.

If a conciliation commission cannot arrive at a pacific settlement for a political dispute, it must be submitted, for final decision, within one month, to an arbitral tribunal of five members, specially constituted for the purpose. The powers of the tribunal are defined in a special agreement. The tribunal applies the legal rules in the samemanner as the Permanent Court at The Hague. In so far as there exists no such rule applicable to the dispute, the tribunal must decide *ex æquo et bono*. It is this rule which constitutes the peculiar feature of the procedure.

The fourth chapter contains general provisions, one of which binds the signatory to abstain from all measures likely to react prejudicially upon the execution of the judicial decisions or upon the arrangements proposed by a Conciliation Commission with the object of safeguarding peace.

These undertakings are obviously very far-reaching. When the Act was opened for the accession of States in 1928, many observers doubted whether any great Power

could agree in advance to restrict its liberty of action in this manner. But the event gave the lie to these doubts; the acceptance of the Act by the United Kingdom and France brought about a large number of other acceptances, notably by the British Dominions and Italy.

The reservations made by the United Kingdom in giving its signature undoubtedly lessened the scope of its undertakings; but the General Act does in practice offer increased facilities for the practical settlement of disputes. In recent years, too, a growing number of bilateral treaties have been more or less modelled upon it.

That this development of arbitration and the other procedures for the pacific settlement of disputes is exercising a worldwide influence is demonstrated by the spontaneous parallel efforts made regionally—but in what a vast region!—on the American continent. The Pan-American Union, founded in 1889, which has always aimed at the development of public international law, comprises all the States of Latin America and the United States; and at its recent conferences it has been working even harder in that direction, as witness the General Convention of American Conciliation and the General Act of Inter-American Arbitration signed at a special conference at Washington on January 5th, 1929, and also the important Pact of Non-Aggression and Conciliation signed at Rio de Janeiro on October 10th, 1935, by all the Latin American States, and ratified by the United States of America.

As the great majority of the American countries are Members of the League, the latter cannot but benefit, ultimately, from the New World's activity in the field of

conciliation and arbitration, even if this is carried on under the shadow of a great nation which holds jealously to its influence in that continent.

Locarno Agreements (1925)

The dropping of the Geneva Protocol in 1925 had at least one good result. Sir Austen Chamberlain, who thought it too ambitious, recommended that special arrangements should be made to meet special cases. He was thinking chiefly of the relations between Germany and her neighbours, especially France and Belgium, who were extremely anxious about their frontiers after the experience of 1914-1918. Germany had already, at an earlier date, announced that she was prepared to help to stabilise those relations by voluntarily confirming the territorial provisions of the Treaty of Versailles concerning the eastern frontiers of Belgium and France.

The burial of the Protocol, therefore, led indirectly to agreements which, though concluded outside Geneva, are inspired by the principles of the Covenant (particularly of Article 10). The Locarno Agreements, concluded in 1925, form part of the League system, and, after ten years, are playing a vital part in the development of political relations between European States.

These Agreements comprise, in the first place, a Treaty of Mutual Guarantees, also known as the Rhineland Pact, concluded between Germany, Belgium, France, the United Kingdom and Italy. This Pact contains a mutual undertaking of non-aggression between Germany on the one hand, and France and Belgium on the other; while the United Kingdom and Italy guarantee the inviolability of the Belgo-German and Franco-German frontiers against aggression from either party.

Four bilateral Arbitration Treaties were also concluded at Locarno, between Germany and the following countries : Belgium, France, Poland and Czechoslovakia.

While the Locarno Agreements are not so far-reaching as the Geneva Protocol, they go beyond the Covenant as regards both the pacific settlement of disputes and security; for the signatories even renounce entirely and in all circumstances the right to go to war failing a pacific solution, whereas under the Covenant that right subsists under certain conditions.

This regional pact, which was concluded under conditions of complete freedom, equality and reciprocity between the three parties territorially concerned, constitutes a powerful instrument of peace in Western Europe. It directly affects the League, inasmuch as the Council may be called upon to act under its essential clauses. It is one of the principal extensions of the Covenant, one of those which admittedly have the greatest vitality and have been continually in the public eye through all the political confusion of recent years.

The Pact of Paris (1928)

During the first decade after the war, the world was, formally, divided into two groups of countries : States Members of the League of Nations, which had signed undertakings restricting their right to go to war, and non-member States, whose sovereignty was subject to no restrictions. Obviously, this was a purely theoretical distinction, and the level of international ethics attained in both groups depended on other factors as well.

All the same, this distinction was anomalous, and two statesmen, M. Briand, the French Minister for Foreign Affairs, representing one group, and Mr. Kellogg, the American Secretary of State, representing the other

group, attempted to put an end to it. They jointly drew up, and signed in Paris on August 27th, 1928, a Pact known as the Pact of Paris, or the Briand-Kellogg Pact, which is worded as follows:

"The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another. (Article I.)

"The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means." (Article II.)

This Pact, which has been signed by sixty-three States, including nearly all the Members of the League, unites most of the States of the world in a general undertaking not to resort to war—which means that the States Members of the League agree not to go to war even in cases where war is permissible under Article 12 of the Covenant. The Briand-Kellogg Pact thus goes considerably farther than the Covenant; though it still tacitly allows defensive wars, since in the present state of international morality it would be impossible to impose the law of non-resistance on the victim of an aggression.

In 1930, the British Government proposed that the Covenant should be brought into harmony with the Briand-Kellogg Pact—that is to say, that the Covenant should be amended so as to prohibit all non-defensive wars. This, however, would complicate the structure of the Covenant, and has not as yet been found practicable.

The Pact of Paris none the less reflects a more radical tendency in world opinion on the subject of war. It is

nearer universality than the Covenant of the League, since the United States is a party to it; and it is an undertaking of which the signatory States can be reminded in their more violently nationalist moments. In various conflicts, such a reminder has been duly administered by the League.

Definition of the Aggressor

Anyone who has given some attention to the origins of the great war—and of many earlier wars—knows how hard it is to agree on a reliable practical test of aggressive and defensive warfare. In 1914, every country involved claimed that it had not sought war, and therefore that its war was a defensive one. There is only a short step between defensive war and preventive war. If country A —firmly believing that country B will attack it on January 1st—takes the initiative on December 31st and thus wards off B's attack, how can A be persuaded that its war was not essentially a defensive war?

What with the naturally extreme complexity of events and the difficulty of obtaining full and reliable information; what with the difficulty of finding out the truth at the time, and even afterwards, it is a hard task to designate the aggressor for the purposes of the Covenant.

The whole Covenant is, in intention, directed against possible aggressors; and if in each particular case the League could designate the aggressor at once in all fairness and without fear or contradiction, it would be very powerfully armoured against war.

Naturally, therefore, the lawyers and diplomats of Member States have discussed the definition of the aggressor at great length during the past fifteen years.

It was amply debated in 1933 by the Security Committee of the Disarmament Conference, and in the same year it was the sole subject of three Conventions signed

in London between States Members of the League and other States which were not at that time members .[1]

These Conventions define the aggressor in the following terms :

" The aggressor in an international conflict shall . . . be considered to be that State which is the first to commit any of the following actions :

" (1) Declaration of war upon another State;

" (2) Invasion by its armed forces, with or without a declaration of war, of the territory of another State;

" (3) Attack by its land, naval or air forces, with or without a declaration of war, on the territory, vessels or aircraft of another State;

" (4) Naval blockade of the coasts or ports of another State;

" (5) Prevision of support to armed bands formed in its territory which have invaded the territory of another State, or refusal, notwithstanding the request of the invaded State, to take, in its own territory, all the measures in its power to deprive those bands of all assistance or protection. "

This conception of aggression is not universally accepted. It holds the aggressor to be that State which, apart from any other consideration, is the first to have resort to force.

These Conventions are essentially regional, affecting as they do a compact block of Eastern European and Western Asiatic States. The object of the Foreign Offices in signing them was to preclude dispute in advance, and they felt that they were providing themselves with an instrument of security. This is clearly

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[1] Union of Soviet Socialist Republics, Afghanistan, Estonia, Latvia, Persia, Poland, Roumania, Turkey, Czechoslovakia, Yugoslavia, Lithuania.

shown by two sentences in the Preamble to the provision :

" Deeming it necessary, in the interests of the general security, to define aggression as specifically as possible, in order to obviate any pretext whereby it might be justified. . . . Judging it expedient, in the interest of the general peace, to bring into force, as between their countries, precise rules defining aggression, until such time as those rules shall become universal. . . . "

Now that all the signatories are Members of the League (the Union of Soviet Socialist Republics since September 18th, 1934, and Afghanistan as from September 27th, 1934), this feeling of increased security has apparently been strengthened. There is good reason for this. Concluded as they were in the spirit of the League and on the basis of a text drawn up at Geneva, these agreements scarcely required Article 21 of the Covenant to say that " nothing in this Covenant shall be deemed to affect " their validity. If the League had to intervene in a conflict between two of the signatories of these Conventions, it would have a much handier and more reliable test for its decisions and actions than any afforded by the Covenant itself.

These Conventions are therefore to be regarded as a direct extension of the Covenant—an addition to the League's equipment for preserving the peace over a large portion of the globe.

Non-recognition of Certain Situations

During the past few years, attempts have been made to settle international disputes by another method, which though not specifically contemplated in the Covenant, is the logical corollary of any solution recommended by the Council and Assembly in their final report on their mediation under Article 15 of the Covenant. This is the

refusal of Member States to recognise situations which a State has brought about by methods inconsistent with the international undertakings which it has assumed, and which are guaranteed by the League.

This principle, which must be regarded as a not wholly academic protest on the part of justice against force, was first formulated outside the League.

At one stage in the Sino-Japanese conflict about Manchuria (1931-1933), when it was already clear that Japan intended to perpetuate the situation she had created by her action of September 18th, 1931, the United States Secretary of State, Mr. Stimson, instructed the American Ambassador in Japan and the American Minister in China to convey to the Japanese and Chinese Governments respectively (January 7th, 1932) an identic note containing the following statement:

"... In view of the present situation and of its own rights and obligations therein, the American Government deems it to be its duty to notify both the Imperial Japanese Government and the Government of the Chinese Republic that it cannot admit the legality of any situation *de facto*, nor does it intend to recognise any treaty or agreement entered into between those Governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence or the territorial and administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the open-door policy; and that it does not intend to recognise any situation, treaty or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27th, 1928, to which Treaty both China and Japan, as well as the United States, are parties."

This identic note was really addressed to the party which, in contravention both of the League Covenant and of the Pact of Paris, had made itself responsible for

the acts of September 18th, 1931, and the succeeding months.

With this American support, the League was able to introduce the principle, in a somewhat modified and adopted form, into its final report on the Sino-Japanese conflict (February 24th, 1933).[1] The doctrine of non-recognition is formulated therein as follows :

" . . . The recommendations made . . . exclude the maintenance and recognition of the existing regime in Manchuria, such maintenance and recognition being incompatible with the fundamental principles of existing international obligations and with the good understanding between the two countries on which peace in the Far East depends.

" It follows that, in adopting the present report, the Members of the League intend to abstain, particularly as regards the existing regime in Manchuria, from any act which might prejudice or delay the carrying-out of the recommendations of the said report. They will continue not to recognise this regime either *de jure* or *de facto*. They intend to abstain from taking any isolated action with regard to the situation in Manchuria and to continue to concert their action among themselves as well as with the interested States not members of the League. . . . "

This principle seems likely to secure wide acceptance, and it may be hoped that, with an increase in international solidarity, it will provide a real check to the use of force. It is worth noting that, having been embodied in the Rio de Janeiro Pact (October 10th, 1933), it has lately again come into prominence, being one of the principles laid down in the Protocol for the cessation of hostilities between Bolivia and Paraguay, signed at Buenos Aires on June 12th, 1935, under the ægis of a group of mediating States, all of which, except Brazil and the United States, are Members of the League.

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[1] See also page 101.

Communications at Times of Emergency

In emergencies, it is essential for the League to be able to communicate direct, and rapidly, with the member Governments, so that the Council can meet at once or make urgent enquiries.

Rapid communication between the League and its Members may always, of course, be held up at any point by the action of local or Government authorities. To guard against this danger, the League expressly stated (1925) that Members were under an obligation, in emergency, to do all in their power to facilitate communications with the League in every form. This general obligation derives from those laid down in the Covenant, and requires Governments to assist in establishing temporary railway communications in place of traffic interrupted in emergency (*e.g.*, during or prior to mobilisation). Governments have also been asked to grant facilities to motor vehicles and aircraft engaged in transport of importance to the working of the League.

Wireless Station

The League also needed a wireless station if it was to do its international and inter-continental work at times of emergency in the same way as at ordinary times. Otherwise it might be unable to send an important message to or receive news from some capital.

Since February 2nd, 1932, the League of Nations has had a wireless station at Prangins, near Geneva. It is ordinarily run by a Swiss company, but at times of emergency it is automatically transferred to the League's sole control, on certain specified conditions. The station is powerful enough to maintain wireless telegraphic communications with the capitals of countries as distant

as the Argentine, Australia and China. It has already rendered valuable service, notably in the Sino-Japanese and Bolivo-Paraguayan conflicts.

E. How the League Promotes International Co-operation

We have seen [1] that the undertakings binding the Members of the League to mutual co-operation do not really go very far. The authors of the Covenant were reluctant to ask States to assume obligations which were either too numerous or too difficult to live up to.

The history of the last eighteen years, however, would appear to show that, though States are chary of entering into undertakings seriously restricting their freedom of action in matters pertaining to their " vital interests ", they have no objection to international co-operation in certain technical and social matters.

Extension of Technical Activities

Be that as it may, at Assembly after Assembly, the various fields of endeavour have been enlarged, while, to those explicitly mentioned in the Covenant, others have been added at the request of the Governments themselves.

The extension of the League's technical work has been regarded as a matter of course, as implicit in the Covenant. All that is necessary is that it should meet with general approval in the form of Conventions.

The League's non-political activities are, of course, also limited by the principle of respect for national sovereignty. In the matter of Customs tariffs or national labour regulations, for example, all that the League or

[1] See page 35.

the International Labour Organisation can do is to recommend such and such principles or such and such a policy to the individual States, and promote the conclusion of Conventions which States are free to accept or reject. In this, as in the political or legal sphere, the League must work, in actual fact, through voluntary co-operation and persuasion.

Here, moreover, the question of " sanctions " proper hardly arises, or at least not in the same form, what is needed being merely guarantees that Conventions will be carried out—a much less serious problem, and a much easier one. As a rule, States can be relied upon to execute faithfully such Conventions as they have accepted.

Sometimes a State finds itself unable to abide by provisions which, in conference at Geneva, it had recognised as desirable. But it is rarely alone in this predicament. What happens is that, after advocating a certain policy in principle (at the Assembly, the International Labour Conference, or an economic conference), it is prevented from applying that policy by contrary and even more powerful influences at home.

From the International to the National

In this sphere, as in that previously studied, the League is therefore essentially a medium of consultation and co-ordination. Its progress and its success depend primarily upon how far Governments really desire to make use of its machinery. We have seen that such a desire exists, and that is an encouraging symptom. But progress and success depend to an even greater extent upon how far the necessarily different national policies pursued at Rome, Ottawa or Stockholm can be adjusted. To enable the international policy advocated at Geneva

to be followed, it is not merely the Ministers for Foreign Affairs, but the heads of other ministerial departments (Education and Fine Arts in intellectual co-operation questions, Departments of Commerce in Customs questions, etc.), who have something to say. In many cases even, it is they who have the decisive voice.

Experience shows that, between the adoption of a draft Convention and its incorporation in national policy and national law, the path is long and thorny and beset with obstacles. It takes times to frame national legislation in accordance with an international plan or international principles. Progress is, however, being made.

How do the League's methods, as just described, operate ? The best way of answering this question will be to take some aspect of international activity and observe the various stages of the work at Geneva.

Methods of Work

In theory, it is the Assembly and the International Labour Conference that take the lead in suggesting the investigation of " questions " preparatory to a first attempt at international regulation. In actual fact, however, it has often happened in the course of the last fifteen years that, while investigating some question referred to it, a purely advisory body has drawn attention to a kindred question and thus opened up a new line of investigation which, after the necessary decisions by the Council and the Assembly, has led up to a draft Convention.

Needless to say, the whole work of international co-operation is not concentrated at Geneva. Independent international organisations exist, and Conventions are still concluded outside the League. But there can

be no question that it is at Geneva that most international work is done. When, moreover, the League takes up a field in which other organisations are already working, it endeavours to maintain the closest possible co-operation with them, and thus avoid the duplication of effort.

Preparation of an International Convention

Once the League has decided to attempt the international solution of some problem, how does it set about its task? The best way of replying to this question is no doubt to take a concrete example—for instance, the question of facilities for the international circulation of educational films.

After a few preliminary enquiries by the International Educational Cinematographic Institute at Rome, which is the technical adviser of the International Committee on Intellectual Co-operation, the latter, which is itself the Council's adviser in all matters relating to intellectual co-operation, came to the conclusion that it was by no means impossible to induce Governments to agree to a general Convention to facilitate the international circulation of educational films. The Committee had discovered that, while many highly profitable though morally worthless films, in every way unsuitable for young people, were finding Customs barriers no great obstacle, good educational films of real artistic value, but unlikely to be taken up by the big commercial exhibitors, were finding financial considerations a very serious obstacle to international recognition. The loss to culture was evident, and it seemed obvious that, if exemption, or even partial exemption, from Customs duties could be obtained for all such educational films as were passed by a competent, impartial and generally trusted authority,

their circulation would be facilitated and the standard of the films shown to young people raised.

Actuated by these moral, æsthetic and practical considerations, the Committee on Intellectual Co-operation recommended that the matter should be looked into, and, the Assembly having decided that this should be done, the Rome Institute was instructed to prepare the ground. Its Director realised, however, that he was insufficiently informed of the laws and fiscal and Customs regulations of the various countries regarding the import and re-export of films. Nor could he tell how the future draft Convention would be received by the competent Government services. Would they be hostile? Would they regard the whole scheme as Utopian or impracticable? The only way to find out was to draw up a detailed questionnaire and despatch it to the Governments, who would pass it on to the competent services. The replies could be taken as a starting-point in preparing the Convention.

Months later—for the national services had to be allowed time for consideration and enquiry—the replies reached Rome. Some Governments did not answer, or only did so at a later stage. The replies of others were non-committal. But, taken all in all, the replies showed, in the Institute's opinion, that the majority of Governments regarded the Convention as practicable, in so far as they themselves were concerned, and even had suggestions to offer as to its provisions.

The general limits of the Convention were more or less determined by taking a line through the replies received, and the next step—the framing of a preliminary draft Convention by a body of experts—presented little difficulty. The preliminary draft was then communicated to Governments, which formulated their

observations and thus enabled the Assembly to decide upon the summoning of a diplomatic Conference at Geneva. It was that Conference, to which non-member States were also to be invited, which was to decide the final text of the Convention and adopt it.

The Conference met as arranged, and, after some discussion, in the course of which the draft text was amended, the Convention was adopted and opened for signature (October 11th, 1933). After obtaining the number of ratifications and accessions provided for in the text, it came into force on January 15th, 1934.

Since that time, ratifications and accessions have continued to reach the Secretariat, though, as was only to be expected, somewhat slowly, for, before committing themselves, the Governments have had to take the necessary steps to adapt their internal laws to the Convention.

But, in any case, an advance has been made, a principle adopted and translated into fact; henceforward, any film which the Rome Institute recognises as being of genuine international value will be able to enter a number of countries duty free, the present orgy of protection notwithstanding. Indirectly, the Convention opens up new and broader avenues to film-producers, whose activities are at present hampered by international restrictions and fiscal charges. In the last place—and this is by no means the Convention's least important result—the Rome Institute will be in a position to draw up valuable international catalogues of good educational and instructional films.

Roughly speaking, such is the procedure generally followed by the League and the International Labour Organisation in cases in which their experts think they

can play a useful part, and in which an effort is therefore worth making. Questionnaires to Governments, or rather the replies to such questionnaires, are their chief source of information and the surest foundation for their practical work. Experience shows that many Governments reply most carefully to questions put to them, that a number of other countries, previously indifferent, are beginning to make a valuable contribution to the work of the League and the Labour Organisation, and that countries which ten or a dozen years ago appeared to possess neither services nor individual officials capable of furnishing the necessary particulars in a lucid form now keep Geneva supplied with judicious and in every way adequate memoranda or observations.

The Choice and Duties of Experts

Closer examination of the procedure for the preparation of Conventions will show that success could never have been achieved unless the League had been able to obtain the assistance and advice of fully qualified technical experts, capable of thinking along international lines. To call a committee of *x* members, all technically competent but all tied down to the point of view of their respective countries, would be to invite its failure.

Conversely, the experience of the past few years has shown that, while possessing this ability to see the international aspect of problems, the experts consulted by the League—if they are to give of their best—must also be thoroughly acquainted with those aspects of national policy which form an integral part of the question under consideration. Their normal duties should preferably be such as to keep them in constant touch with the national technical authorities by which their Governments are advised. They must be thoroughly conversant

with the opinions, principles and leaders of their own country, and know what concessions the latter, actuated by that enlightened patriotism which they are aware will ultimately be to their country's advantage, are ready to make to other countries.

Thus, even when the League's technical committees are not made up of Government experts (that is to say, of experts representing the Governments and instructed by them) but of members appointed in a personal capacity, the latter may in actual fact be regarded as semi-governmental, for, though not appointed by their Governments, they are always more or less in touch with them, and are bound to consider the problems submitted to them, not merely from the technical standpoint, but also from that of practical politics.

This technical collaboration is dominated by the practical, scientific principle of taking advantage of others' experience so far as it lends itself to general application.

When, however, the problem at issue is essentially scientific (*e.g.*, in the case of medical enquiries), the experts, though of different nationalities, need not possess a "national" character, but should not be wholly devoid of it, since there sometimes is a national element in the most abstruse domains of science.

In any case, the choice of the members of the committees assisting the League in the sphere of technical co-operation is of first-rate importance. This choice falls to the Council, which gives full weight to the three classes of qualification required—scientific, national and international.

Now that contact between similar national services (*e.g.*, Customs, statistical, public health and other services) is the rule, the last class of qualifications is

becoming more and more common, so that an increasing number of experts are able to explain and recommend to their Governments the policies which careful enquiry has shown the League authorities to be capable of international application.

Secondary Importance of "Machinery"

In point of fact, the success of the League's activities depends much more upon individual capacity and influence than upon the precise nature of its machinery. The efficiency of the League's technical organisations depends upon two main conditions—how far Governments are willing to rely on those organisations to solve their problems and difficulties, and how far, on occasion, Governments are prepared, for the sake of subsequent national advantages, to give international considerations precedence over narrow and immediate national interests.

When a problem is ripe for international solution, genuine progress will be made if the personal influence of national experts has helped to make internal policy sufficiently elastic to permit of the adoption of such a solution.

Such, in substance, was the finding of the Committee of Experts (June 1935) recently set up by the League to conduct a general enquiry on the subject of its technical committees. The Committee found that the League had at its disposal more or less all the necessary means to enable it to develop technical co-operation between nations in the present state of public opinion and world economy.

The machinery of the International Labour Organisation would also appear to have reached a high pitch of efficiency. Here, however, the problem takes on a somewhat different form. The system of the tripartite

representation of Governments, employers and workers at the International Labour Conference and on the Governing Body means that every question is approached, not merely from the standpoints of a large number of nations, but also from the sometimes very different standpoints of three distinct interests. As a result, the study and discussion of a question by the International Labour Organisation leaves an impression of complexity quite different from that which characterises the proceedings of the League. But it would doubtless be a mistake to picture the work of the Labour Organisation as the more complicated of the two; experience proves, indeed, that, with the exception of a few questions on which the Labour Organisation has recourse to the opinion of experts, members of the employer's group tend to think alike whatever their nationality, and members of the workers' group do the same. If a comparative study were to be made of the two international organisations, it might even be that the proceedings of the Labour Organisation would leave an impression of greater simplicity, because, as a rule, the whole of the employers' group and the whole of the workers' group hold the same views, and express them with emphasis.

However that may be, both organisations are faced with the same task—that of inducing States to bring their internal laws gradually into line with principles or decisions recognised at Geneva as internationally desirable. The means of action of both organisations are also the same.

Editing of International Publications

This brief survey would be incomplete if we failed to mention one indirect, though none the less potent, means

which the Geneva organisations have for urging States along the path of international co-operation—the publication of handy collections of international information which are constantly brought up to date and absolutely reliable. In this way, it is frequently shown that, however varied the development and civilisation of individual nations, their economic, social and other problems are similar, and require, if not uniform, at least kindred solutions.

Sometimes the juxtaposition of national particulars is in itself instructive, as, for example, in the two volumes lately published by the League of Nations (1935) regarding the great public works recently undertaken or projected in various countries [1] with special reference to unemployment, and also of the volume published by the International Labour Office in 1935 under the title of "Public Works Policy". Countries would appear to have launched their respective programmes of public works without having been able to inform themselves of what their neighbours, let alone more distant States, were doing in the same line. The timeliness and value of such general surveys as these will be obvious to all. They will, moreover, be indispensable for the purpose of future international public works, if a beginning is ever made with that great idea so ably championed by the late Albert Thomas, first Director of the International Labour Office.

To supply all those, and particularly Governments, who are called upon to deal with economic or financial problems from the international standpoint with statistical or other information of unimpeachable veracity —such is the task to which the Economic Intelligence

[1] See also pages 145.

Service of the League Secretariat is devoting itself with ever-increasing efficiency and experience. For some years past it has been publishing a *Monthly Bulletin Statistics*, which is a collection of indices of the changes occurring month by month in the economic affairs of the various States, together with a number of periodical volumes, such as *The Statistical Year-Book*, *World Economic Survey*, *World Production and Prices*, *Review of World Trade*, *Balances of Payments*, *International Trade Statistics*, which are now just as indispensable to Governments as the statistical and other information supplied by Governments is indispensable to the Secretariat in ensuring the success of this joint undertaking. At the same time, the League also keeps the general public informed regarding certain problems of vital importance.

A similar function is successfully performed by the International Labour Office. For its own purposes, it collects full particulars of labour conditions throughout the world, compares them, and makes it its business to give them the widest publicity. As examples, we may mention *Industrial and Labour Information* (weekly), *The International Labour Review* (monthly), and *The I.L.O. Year-Book*.

Thus little by little is laid that firm foundation of facts, realities and international experience without which any attempt at building in common would be in vain.

Part II.

THE MEASURE OF THE LEAGUE'S ACHIEVEMENT

Now that the reader is familiar with the aims assigned to the League by the Covenant, and with the resources with which it is expected to perform its heavy task, we can go on to examine what the League has achieved under these conditions since its foundation, which is still so recent when viewed on the historical scale.

We need hardly say that, in making this examination, our one idea will be to give a true picture of events. We shall therefore record failures no less frankly than successes, while endeavouring to state as impartially as possible the fundamental reasons for each.

I. POLITICAL WORK

The League's more specifically political work has been done chiefly in five directions—the improvement of the instrument of peace entrusted to it; the reduction of armaments; the settlement of the various international disputes that have arisen between 1919 and 1935; the supervision of the territories placed under the mandate of various States; and the execution of minority obligations assumed by treaty.

A. Improvement of the Organisation of Peace

The first aspect of the League's political work need not detain us long. We have seen in an earlier chapter [1] the efforts that have been made by the League to make that theoretical instrument, the Covenant, into a practical instrument, to vitalise it, and particularly to evolve methods of applying its various clauses to the concrete cases which may arise; for, in the international as in the national sphere, politics is, above all, the art of forecasting events.

Unanimity or Majority

Here we need only add that much remains to be done in this connection. Apart from the problem whether any particular political decision under a given article of the Covenant must be adopted unanimously or whether a majority vote will suffice, there is another question of no less importance. Where unanimity is expressly required for the operation of a particular article of the Covenant, how is that unanimity to be reckoned? Must it include the votes of the parties concerned, or not? This problem arises particularly in connection with Article 11, which is one of those most often invoked. If it is held that unanimity must include the votes of the parties, it is obvious that the parties to a political dispute will never vote in favour of measures directed against themselves, so that the article can only be used for conciliation.

A fresh attempt has lately been made to settle the question, but without success. Yet it seems very important that a solution should be found.

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[1] See pages 45 and 52.

This case clearly illustrates the difficulty, in present circumstances, of fully applying certain clauses of the Covenant, and the necessity with which the League is faced—and will continue to be faced—of improving its means of action by adopting a common doctrine on certain doubtful but fundamental points.

Commission of Enquiry for European Union

In what appears to be a different sphere but is in reality a kindred one, the European States of the League endeavoured, under the impulse of M. Briand in 1929-1930, to improve their possibilities of peaceful action by solving on the European plane certain difficulties which had defied the efforts of the League on a worldwide plane.

M. Briand's idea in setting up within the League a Commission of Enquiry for European Union seems to have been that the political situation in Europe deserved special attention, and that, if a purely European mechanism was created within the great world mechanism, difficulties of all kinds—he spoke chiefly of *economic* difficulties, but he was also thinking of future *political* difficulties—would be more easily solved.

Unfortunately, it very soon became clear that the time for a European Union had not yet come.

Indeed, from the formal standpoint, it is chiefly outside the Covenant—but not independently of the League's efforts, which, as we have seen, have often been decisive and indispensable—that the instruments of peace have been improved. We need only refer to the Locarno Treaty (1925) and the General Act of Arbitration (1929), which are important landmarks in the organisation of regional and collective security.

B. Reduction of Armaments

In this sphere, the duty imposed on the League by the Covenant was as clear as it was heavy and arduous. The Treaty of Versailles and other Peace Treaties had imposed disarmament on the vanquished States. To balance this, the authors of the Covenant had taken care to embody in Article 8 an undertaking on the part of the States Members of the League to proceed within an unspecified period to reduce their " national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations ".

The Principle of Equality

" Equality " between the legally disarmed vanquished nations of the great war and the victors, who promised by their signature of the Covenant to reduce their armaments, is not expressly mentioned in Article 8 as the aim to be achieved in practice. But the whole Covenant, like the new order of international law, is based on the principle of equality of rights between States. The application of this principle in the sphere of armaments was proclaimed in the point declaration made at Geneva on December 11th, 1932, by the representatives of Germany, the United Kingdom, France, Italy and the United States.[1]

[1] " The Governments of the United Kingdom, France and Italy have declared that one of the principles that should guide the Conference for the Reduction and Limitation of Armaments should be the grant to Germany, and to the other Powers disarmed by Treaty, of equality of rights in a system which would provide security for all nations, and that this principle should find itself embodied in the Convention containing the conclusion of the Conference for the Reduction and Limitation of Armaments.

" This declaration implies that the respective limitations of the armaments of all States should be included in the proposed

The whole of the long and violent international controversy which has been going on for the last ten years hinged on the difficulty of translating into practice, in the form of coefficients and contractual obligations applicable to each State, this formula, which at first sight appears so simple: reduction of national armaments to the lowest point consistent with national safety, etc.

If every State had the same area, coastline, population, natural resources, industrial equipment, and colonial resources, and if in every State the population had the same composition and the same sentiments, equality of armaments would be an easy solution.

Even if, taking into account these various factors and many others which differ from one country to another, it were possible to draw up, with the consent of the States concerned, a scientific scale of armaments corresponding to the dimensions, resources and security requirements of each, the problem of proportional equity, though more complicated, would still be comparatively easy to solve.

But in practice the differences in the situations of States are such; it is so difficult to secure agreement in judging the industrial potentialities in case of war; the estimate of the factor of " national safety " mentioned in the Covenant differs so much according to whether State A is judging its own safety or that of State B, that Article 8 has proved tragically difficult to apply.

The Obstacles

In the continental sphere, the obstacles to the essential agreement between France and Germany (to take one

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Disarmament Convention. It is clearly understood that the methods of application of such equality of rights will be discussed by the Conference." (Communication from Mr. MacDonald to the President of the Conference for the Reduction and Limitation of Armaments.)

important example) have been aggravated by the fact that, in seeking the common aim, *proportional equity* (for absolute equality between one country and another would be the worst of inequities), the opinions of the two Governments were at variance on a point of decisive importance. The Germans asserted that they possessed nothing more than the army and armaments left them by the Treaty of Versailles, while the French considered that the existence of important semi-military forces vitiated the whole argument.

The Psychological Factor

Moreover, since under the Covenant the level to which armaments are to be reduced must be a function of the degree of national safety, it is easy to understand the important part played in the determination of this latter level—apart from factors more scientifically calculable—by the psychological factor. What could be more psychological than one nation's feeling of safety about another?

Temporary Setback

On this obstacle and several others equally formidable, all the League's efforts to persuade its Members to apply Article 8 of the Covenant to land and air armaments have so far broken down. True, the Preparatory Commission for the Disarmament Conference, which worked from 1926 to 1930, eventually produced a draft Convention for the reduction of armaments; but when the Conference opened at Geneva on February 2nd, 1932, under the presidency of Mr. Arthur Henderson, the States more or less tacitly rejected it and put forward the most varied plans in its place. Some of these were much more drastic

than the experts' draft, but, as may well be imagined, that did not commend them any the more.

In any case, Germany's notice of withdrawal from the League (October 21st, 1933) put the final seal on the temporary impossibility (owing to mutual distrust) of drawing up a Convention for the reduction of land armaments that could be accepted by the States represented at the Conference.

Until that moment, some hope had remained that equality between States might be achieved *downwards* —that the Powers not disarmed by the Treaties might reduce their armaments to the level of the Powers partially disarmed by those Treaties. But this hope had now to be abandoned, and it had to be recognised that the inevitable equality would more probably be achieved upwards—that the Powers disarmed by the Treaties would raise their armaments to the level of the Powers not so restrained. In fact, on March 16th, 1935, Germany unilaterally denounced the clauses of the Treaty of Versailles concerning the disarmament of her land forces, introduced conscription (forbidden her by that Treaty), and raised her army to thirty-six divisions.

Some Progress

This is not to say, however, that all the League's work was pure waste of time. If, for example, we examine the principles on which, after three and a-half years of work in the Conference for the Reduction and Limitation of Armaments (which, though suspended, is not closed), the various delegates seem to have reached agreement, we find that they represent a definite advance.

As regards security, it was agreed in principle to organise, in case of war or threat of war, a consultation

between all States (including the United States of America) provided a convention on the reduction and limitation of armaments was concluded.

It was agreed in principle to prohibit aerial bombardment and the use of chemical, incendiary and bacterial weapons.

The States accepted qualitative and quantitative limitation in principle. By qualitative limitation is meant the immediate or gradual abolition of certain particularly powerful types of armament (heavy artillery). By quantitative limitation is meant the limitation of the number of troops and of non-prohibited weapons (guns, tanks, etc.) which States would be entitled to possess.

The control of the manufacture of and trade in arms, which for a long time encountered serious opposition, is now generally accepted. States have also agreed to a detailed system of publicity for national defence expenditure, and have accepted the idea of control by a Permanent International Disarmament Commission, involving, in certain cases, inspections on the spot.

A General Convention or Partial Agreements?

It is doubtful, however, whether these agreements of principle on a series of important questions will at once find a place in a general Convention. If we refer to the decisions taken by the Conference at the end of 1934, we find that, owing to the political situation, the Governments realised that they must proceed by stages.

Indeed, never since the inception of the League has the method of a " general Convention "—a particular form of what the Covenant calls more generally " plans

for a reduction "—secured the unanimous support of Governments. It is based on the idea of the interdependence of every factor, and especially on the principle of the solidarity of the three arms, and on that of the indivisibility of the different problems which react on one another. Hence the necessity of a comprehensive solution, for all partial or individual solutions would be likely to cause dangerous inequalities, since they would leave outside the agreement questions that might be of vital importance to certain countries.

The Anglo-Saxon Powers have shown a preference for the method of proceeding by stages towards a general Convention. Their tendency has been to adopt an empirical method, and hence they have recommended the conclusion, as and when practical possibilities permitted, of limited agreements which could be put into force immediately. Instead of embracing a whole series of complex facts—even in the case of the partial solution of the problem of disarmament represented by the reduction and limitation of navies—they have preferred to proceed in two stages, and to conclude at an eight years' interval the Agreements of Washington (1922) and London (1930). Although only partial, these agreements were undoubtedly of great practical utility, since they led to the scrapping of a number of units and the partial abandonment of building programmes already decided upon, established practical coefficients of power between the different navies, and, above all, accustomed the participating States, who possessed large navies, to accept international regulation as a matter of course in a sphere in which they had hitherto been the sole judges of their requirements.

The same conception prevailed in June 1935, in the still narrower field of the bilateral naval agreement

between Germany and the United Kingdom. This agreement stipulates that the German navy, reconstructed on the principle of equality of rights between nations, must not exceed 35% of the British navy.

Present Tendencies

Whether the principle of empirical, fragmentary and successive solutions or that of reasoned, general and simultaneous ones is to prevail in the near future, two things are certain. The delegates at the Hague Conferences (1899 and 1907) had not succeeded before the war in securing the acceptance of the idea of the contractual limitation and reduction of armaments. It figures boldly in Article 8 of the Covenant, and is now more alive than ever, thanks to the League and its discussions. It has secured acceptance even in the Protocol for the cessation of hostilities between Bolivia and Paraguay, signed on June 12th, 1935, at Buenos Aires, under which the two belligerent armies were obliged, within a very short period, to reduce effectives to five thousand men.

Moreover, the important work that the League and its experts have done during the past twelve years or so in preparation for a reduction of armaments has obviously not been wasted. When the war came to an end, neither statesmen and diplomatists nor soldiers had the least idea of a scientific system (*i.e.*, a practical and complete one) for the international limitation and regulation of armaments. Now, the whole ground has been methodically explored by the committees of the League. In every country, not only a certain number of civilian and military experts, but also the most enlightened section of the public, are familiar with these problems, complicated though they are by their technical, political and legal aspects.

A reduction of armaments such as we had dreamed of does, indeed, at present appear to be impracticable. But the international regulation and control of the armaments of each State, and even the limitation of those armaments to a certain maximum level, are now perfectly realisable. When—perhaps in the near future—the present burden of armaments is felt to be intolerable by the great countries, forced as they are to restrict their genuinely productive expenditure to an alarming extent; when a determination to reverse the process grows up; and when the political atmosphere at last becomes propitious, it will probably be surprising to see how speedily these principles can be applied.

C. Settlement of Inter-State Disputes (1920-1935)

Since 1920, the Council of the League has dealt with some thirty-five disputes between States,[1] two of which (the Sino-Japanese dispute and the dispute between Bolivia and Paraguay) were ultimately brought before the Assembly. Of these thirty-five, two at least—those which we have just mentioned—degenerated, at the crucial moment, into hostilities in the full sense of the term, while several others led to skirmishes or exchanges of shots across frontiers.

Of the remaining twenty-five disputes, some were of such a nature as seriously to compromise relations between the parties.

The efforts of the League expended in working out settlements of these various disputes, and the determination and ingenuity it displayed were very great. It is difficult

[1] These are listed and summarised in " Essential Facts about the League of Nations ", pages 118-131.

to see how, after a war which left so many problems unsettled and so many passions unassuaged, the world, and above all Europe (which alone accounted for a score of the disputes), could have done without some such institution.

In this branch of its activities, the League can point to a number of conspicuous successes, thanks largely to the method of peaceful consultation for which it has worked out a simple, adaptable and practical technique.

In Europe more particularly, peace has been maintained in spite of the tension which on several occasions has made itself felt along certain particularly sensitive frontiers. The Continent has, it is true, been the scene of several hardly contestable cases of recourse to force, and several *coups de main* accompanied by bloodshed. The former, however, produced no military but only diplomatic consequences, while the latter, which almost all date from the agitated period immediately following the war, were localised and disposed of as well as might be.

It must, moreover, be borne in mind that, while in Western Europe there was at that time a more or less clear line of demarcation between the state of war prior to November 11th, 1918, and the armistice and subsequent state of peace by which it was followed, in a large part of Eastern Europe peace was only restored little by little in the course of several years. It cannot be too strongly emphasised that, though it came into force on January 10th, 1920, among a limited number of States, the Covenant could only make its influence felt gradually, as more and more States with fixed boundaries accepted it, and as both Governments and peoples began to adjust themselves to their new undertakings.

At the same time, it would be flying in the face of the facts to attempt to divide up the map of the world into

zones of League successes and League failures, allotting most of the former to Europe and most of the latter to the other continents. On the contrary, some of the League's most positive achievements were in Asia (*e.g.*, the frontier dispute between Turkey and Iraq, 1924-1926) and in America (the dispute between Colombia and Peru regarding the Leticia Trapezium, 1931-1935).

A close scrutiny of the facts would appear to show that the League's mission of conciliation has been most successfully discharged when both parties to a dispute were genuinely attached to peace, and when, accepting the principle of legal equality in all its implications, they have refrained from using their vital interests as a pretext for rejecting either arbitration or what the other Members of the League represented on the Council or in the Assembly regarded as a fair settlement.

The Åland Islands Question (1920-1921)

The foregoing paragraph is a fair description of the circumstances in which the Council was called upon to deal with the dispute on the subject of the Åland Islands, which broke out between Finland and Sweden shortly after the proclamation of Finish independence.

The majority of the 25,000 inhabitants of this Baltic archipelago are Swedish-speaking, and appeared desirous of union with Sweden, which country gave their demands diplomatic support. The Finnish Government, on the other hand, considered that Finland's sovereign rights over the islands were beyond question. The controversy was conducted with great bitterness on both sides, particularly in the Press, but it must in justice be recognised that neither the Swedish Government nor the Finnish Government seriously contemplated a recourse to force. In Sweden, the people were largelye imbued

with pacifist ideas, while in Finland—a large section of whose inhabitants were Swedish-speaking—the possibility of a conflict with Sweden was viewed with keen repugnance. In these circumstances, when the United Kingdom Government, acting under Article 11 of the Covenant, drew the Council's attention to the strained relations between the two countries, Finland, which was not then a Member of the League, accepted the Council's mediation no less willingly than Sweden. Any equitable settlement tactfully proposed by the Council was therefore more or less assured in advance of acceptance by both parties.

The superiority of the League method over former modes of procedure would appear in the main to have resided in the fact that a settlement was more rapidly and more easily reached than it would otherwise have been, because the reference of the case to an institution which even then was clearly destined to become the highest authority in international politics enabled both parties to rid themselves of those considerations of national prestige which are the evil genius of diplomacy. In other words, both Sweden and Finland were from the outset convinced that, by accepting the mediation of such a high authority, and one of such unassailable impartiality, they would not be detracting from their dignity as sovereign States.

Everything passed off, therefore, without any great difficulty. As the Permanent Court of International Justice had not then been founded, the Council set up a Committee of three experts in international law (nationals of France, the Netherlands and Switzerland respectively) to give an advisory opinion on the preliminary question of competence raised by Finland, who maintained that her dispute with the people of the Åland Islands was a

purely internal question with which the Council was not competent to deal. The Committee of Jurists, however, took the contrary view, and the Council than set up a Committee of Enquiry of three members to investigate the position in the islands and supply it with material for a decision. On the basis of their report, after hearing the representatives of all the parties to the dispute—Sweden, Finland and the Åland islanders themselves—the Council recognised Finland's sovereignty over the islands. At the same time, however, it acceded to the requests put forward by Sweden and the islanders that the latter's Swedish character should be safeguarded by specific guarantees, and used its influence to bring about the conclusion of an international agreement for the non-fortification and demilitarisation of the archipelago.

This settlement was accepted by both Finland and Sweden, and the dispute was thus brought to an end.

Mosul Question (1924-1925)

The League also brought about the peaceful settlement of the frontier dispute between Turkey and Iraq, known as the Mosul question.

Iraq, which had been detached from the former Ottoman Empire as the result of the world war, was at that time under British mandate, though during the negotiations which led up to the Treaty of Lausanne (1923), the United Kingdom and Turkey had been unable to agree upon its frontiers. It had been decided that negotiations should be continued, and that, failing agreement, the matter should be brought before the Council. The issue was one of great importance, as it involved the possession of the vilayet of Mosul, with its rich petroleum deposits.

Turkey was then only just emerging from her war with Greece, and the internal reconstruction of her still very extensive territory was a crying need.

As one of the signatories and prime begetters of the Covenant, on the other hand, the United Kingdom had no intention of evading its obligations. Nor had it any desire to set itself up as judge in a dispute to which it was a party.

Both parties therefore agreed to the principle of an impartial commission of enquiry, and, further, with a view to avoiding incidents, to the fixing of a line marking the *status quo*. The Commission consisted of a Swede, a Belgian and a Hungarian, and, though it had great difficulty in ascertaining the real wishes of a population drawn from a great variety of races, it recommended that the territory in dispute should be joined to Iraq. Its findings were duly ratified by the Council. In Turkey, however, they were received without enthusiasm. Nevertheless, in the course of further direct negotiations, the United Kingdom accepted certain adjustments, and Turkey agreed to sign the Treaty of Ankara (June 5th, 1926), under which, though the greater part of the disputed vilayet was separated from her territory, considerable allowance was made for her interests and national feeling.

Greco-Bulgarian Dispute (1925)

This dispute, which is a particularly good example of League procedure and a valuable source of precedent, belongs in the main to the same category as the Åland Islands dispute. There had, it is true, been a serious frontier incident, and military operations on a larger scale had been announced as imminent. The parties, however, were two States between which the Council could rapidly intervene, while the Powers most able to make their

influence felt in the two capitals were represented on the Council, and were unanimous in counselling moderation.

At the same time, though Greece and Bulgaria were ex-enemies, the second of which had been reduced in size and disarmed by the Treaty of Peace, and though in the Balkans that Treaty had left behind an atmosphere more heavily charged with irritation than that prevailing in Scandinavia at the time of the Finno-Swedish dispute, both countries were war-weary after eight or ten years of heavy fighting, and mediation was in the fundamental interests of both.

When, therefore, a violent frontier incident on October 22nd, 1925, led to movements of troops and the occupation of the frontier districts of Bulgaria by Greek forces, the telegram appealing for calm addressed by M. Briand, President of the Council, to both parties on October 23rd was followed by immediate results. The Greek offensive which was to have been launched on the morning of the 24th was countermanded. The Council, urgently called together, confirmed M. Briand's appeal, and decided that their should be no examination of the dispute until both parties had given an unconditional undertaking to discontinue military operations and withdraw their troops behind their respective frontiers; at the same time British, French and Italian military attachés were sent to the scene of the conflict to see that these undertakings were duly carried out.

When the Council had thus satisfied itself that operations had ceased and that not a single Greek soldier remained in Bulgarian territory, it was able to deal with the matter in the same way as any other political dispute. A commission of enquiry was despatched to the scene of the trouble, and within three weeks had settled the question of responsibility, fixed the indemnities to be

paid, and recommended to the Council a series of military and political measures to be taken by the parties with a view to preventing the recurrence of such incidents. Both parties duly conformed to the Council's recommendations.

THE CHACO DISPUTE (1928-1935)

Experience shows that, when the subject of a dispute which is a legacy from the distant past assumes a character of " vital " importance in the eyes of both parties, the League has the very greatest difficulty in holding them to a strict observance of their obligations under the Covenant.

Such, in part, is the explanation of the events which took place in the Northern Chaco (South America) between 1928 and 1935. The matter at issue was the possession and exploitation of that vast territory which, though made up largely of desolate tracts of swamp and waste, is bordered on the east by the broad and navigable waters of the River Paraguay, and, at least on its western confines, is known to be oil-bearing, and therefore a potential source of very great wealth.

To understand the origin and the violence of this dispute, it is necessary to bear in mind the position and aspirations of the parties.

Having been deprived of an independent outlet to the Pacific in 1882, Bolivia came to attach all the more importance to the perennial question of the eastern frontier which she shared with Paraguay. Relying on legal precedents going back to colonial times, she attempted to establish a title to the whole of the Northern Chaco as far as the confluence of the Paraguay and Pilcomayo rivers, the occupation of which territory would have given her one or more ports on the Paraguay river

north of Asunción, thus affording her a better outlet to the Atlantic.

Paraguay, on the other hand, laid claim to the territory to the west of the Paraguay river, not merely on the basis of legal precedents, but also on the ground that her efforts to colonise that territory had been more determined than those of Bolivia.

By the end of the last century, the dispute had taken a serious turn. Between 1879 and 1894, the two countries had signed three different treaties delimiting their territory, but none of them had entered into force, not having been ratified by the two Congresses. In the meantime, the occupation of the territory went on; Paraguay's advance from the east being countered by Bolivia's advance from the west, and a time came when, in certain parts of the Chaco, the Paraguayan and Bolivian advance-posts were dangerously near to each other.

A fresh attempt at settlement was made in 1907, on the basis of the recognition of the *status quo* at that date. According to their mutual accusations, however, neither of the parties observed the *status quo*, and the first clashes between the advance-posts were the result.

Further attempts at a settlement were made at Buenos Aires in 1927 and 1928. The failed, however, and, in December 1928, Paraguayan troops seized the Bolivian post of Vanguardia in circumstances which made it impossible to ascertain whether the attack had been provoked or not—that is to say, to determine which of the two parties was the aggressor in international law. Bolivia replied by occupying the Paraguayan post of Boquerón, and announced her desire to put an end to a position which she found intolerable. It so happened that a Pan-American Conciliation and Arbitration Conference was then in session at Washington, and its

action was immediately supported by the Council, which induced Bolivia to follow the example of Paraguay in accepting the Conference's good offices.

But, though hostilities were suspended in 1928, they broke out afresh in June 1932, and it was thus in the very worst possible circumstances that the League resumed its consideration of the matter.

As in 1928, its first concern was to support what was being done in America to bring about peace. These efforts proving fruitless, the Council proceeded to deal with the matter itself, and, in October 1933, it despatched a Commission to South America. Neither of the parties, however, showed any willingness to lay down its arms. In December, the military stalemate was suddenly brought to an end by a victorious Paraguayan offensive. Paraguay then proposed an armistice, which Bolivia accepted; but, though the parties endeavoured to negotiate a settlement, with the assistance of the League Commission, the attempt failed, and in January 1934 hostilities were resumed.

As both belligerents obtained all their war material from abroad, the League then endeavoured to bring hostilities to an end by inducing the majority of its Members to place an embargo upon the export of arms to both of them. Bolivia then asked that the dispute should be brought before the Assembly under Article 15 of the Covenant. The Assembly's efforts at conciliation failed, and it then issued a report describing the circumstances of the dispute, together with the solutions which it had itself recommended. This report was unanimously adopted; but, though it was accepted by Bolivia, Paraguay rejected its most fundamental provisions. After recapitulating the undertakings set out in Articles 12 and 15 of the Covenant, the Advisory Committee set up by the

Assembly thereupon advised Members of the League to raise the embargo on arms consigned to Bolivia, who alone of the parties had accepted the Assembly's unanimous report. Paraguay replied by announcing her decision to leave the League.

During the first few months of 1935, military operations were, on the whole, to the advantage of Paraguay, but they wore down the forces of both belligerents, who eventually accepted the mediation of a group of six American States—namely, the four neighbouring States (the Argentine, Brazil, Chile and Peru) and Uruguay and the United States of America. On June 12th, 1935, a Protocol was signed at Buenos Aires which put an end to the hostilities and opened the way to peace negotiations on certain specified bases.

The war for the Chaco was thus brought to an end. Neither the American States nor the League of Nations, who had prevented its outbreak in 1928, had been able to stop it in 1932. Both parties opened hostilities without submitting the dispute to the League, and the American States, which on that occasion exerted their influence on behalf of peace, made it clear, as did the parties themselves, that they would prefer an " American " settlement to one proposed from Geneva. At a later stage, Paraguay's refusal to accept the report unanimously adopted by the Assembly under Article 15 of the Covenant led to the raising of the embargo on arms consigned to Bolivia. There were, however, very great difficulties in the way of the application of Article 16, though this was suggested in various quarters.

In the long run, it was an " American " settlement which was adopted. Both armies have now been demobilised, and the war has been declared at an end. It has been provided, by an agreement for which history

can show no precedent, that a legal enquiry shall be held to settle the question of responsibility for the war. On the other hand, agreement has proved impossible on the question of the repatriation of prisoners (the Bolivian prisoners being much more numerous than the Paraguayan), and the parties have not accepted the frontier-line proposed by the mediating States. For the time being, therefore, it is impossible to foretell when the Chaco question will be finally disposed of.

The Sino-Japanese Dispute (1931-1933)

There is another affair in which the means of action at the League's disposal for safeguarding peace and preventing the use of force proved to be even less adequate, from the point of view of an effective intervention. In this case, a centralised, exceptionally powerful, strongly armed, heavily industrialised State, with an island territory of small size as compared with its large population and an urgent need for expansion, had as its neighbour an immense continental State whose central authority had difficulty in enforcing its writ in outlying provinces. Some of these provinces—and some very rich ones—were already, by treaty, subjected to various servitudes in favour of the stronger State. In this case, moreover, the rights, or alleged rights, of each of the two States were almost inextricably intermingled.

This is roughly how the Manchurian affair, the causes of which go back far beyond the beginning of the League, presented itself.

As the facts are still fresh in the reader's mind, we need only recall the salient features and deduce therefrom certain conclusions which now seem to be generally admitted.

On the night of September 18th-19th, 1931, the

Japanese troops stationed, in accordance with treaties, in the zone of the South Manchurian Railway, operated by a Japanese company, invaded at several points this immense territory, in which Japan had, nearly thirty years earlier, engaged in an heroic struggle, and which was closely associated with Japanese national sentiment.

Three days later, on September 21st, the Chinese Government brought the matter to the notice of the Council under Article 11 of the Covenant. Faithful to its principle of beginning with the restoration of the *status quo*, the Council, before entering into the fundamentals of the question, requested Japan to withdraw her troops within the railway zone. The Council let it be understood that this did not in any way forejudge the settlement of a dispute in which one of the parties might in any case have serious grounds for complaint against the other. Japan actually accepted the Council's resolutions of September 30th and December 10th, 1931, providing for the withdrawal of the Japanese troops into the railway zone in proportion as the safety of the lives and property of Japanese nationals was effectively assured. On the ground that the situation in Manchuria was very disturbed, however, the Japanese army pursued its operations, and a new Government was set up with its support.

Following on disturbances that had their origin in the boycotting of Japanese goods by the Chinese, the Shanghai area also became the scene of a sanguinary conflict between Chinese and Japanese in January 1932. On February 12th, China invoked Article 15 of the Covenant and demanded that the dispute should be laid before the Assembly. In the meantime, the Commission of Enquiry which the Council had decided to appoint in December 1931, presided over by Lord Lytton, had

arrived in the Far East. The Assembly decided not to consider the Manchurian question until the Lytton Commission's report had been received, but continued the Council's efforts to bring about a cessation of hostilities in the Shanghai region. This new theatre of war was a particularly dangerous one, owing to the immense interests invested in that great international port. A large section of Japanese opinion disapproved of this expedition into the very heart of China. The Japanese Government agreed that hostilities should be brought to an end as a prelude to gradual evacuation.

In the matter of Manchuria, the Japanese Government did not accept the conclusions of the report drawn up by the Assembly in February 1933 under Article 15, paragraphs 4 and 10, of the Covenant, those conclusions being based on the proposals of the Commission of Enquiry. Japan also gave notice of her intention to withdraw from the League of Nations, on the ground that there existed between Japan and the League an irreconcilable divergence of views, particularly with regard to what should be the fundamental principles of a lasting peace in the Far East. Two years later (1935), on the expiry of the time-limit specified in the Covenant, Japan ceased to be a Member of the League as a political body, though she has continued to collaborate with the League's technical organs and with the International Labour Office.

In this affair, the Members of the League, other than Japan, endeavoured to uphold a series of principles which they considered to be of universal application, so that their abandonment, if generally accepted, would destroy the moral basis on which the new international institution had been built up. These principles, which were observed by the Council so long as it had the dispute

under consideration, were defined by the Assembly on March 11th, 1932, immediately the Chinese request had been submitted to it. They are : " a scrupulous respect for treaties ", " the undertaking to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League ", and " the obligation to submit any dispute which may arise between Members of the League to procedures for peaceful settlement ". The Assembly also declared that " it was incumbent upon Members of the League not to recognise any situation, treaty or agreement which might be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris ".

This " doctrine of non-recognition ", which the United States Government, for its part, had proclaimed in connection with this dispute on January 7th, 1932, and which has since been incorporated in the Rio de Janeiro Pact, was applied for the first time by practically all the Governments of the world on the rejection of the Assembly's recommendations by Japan. The new State, " Manchukuo ", created in Manchuria as a result of Japanese intervention, has still not been recognised either *de jure* or *de facto*.

The efforts of the League only helped to achieve two practical results : the stoppage of hostilities at Shanghai and the non-recognition of " Manchukuo ". It has been argued that the general state of affairs at this time, and in particular the situation in the Far East, made it practically impossible to take any more effective action to preserve the integrity of China. A wave of economic and financial depression had broken upon the world, seriously affecting even the most powerful States. In Japan, where its

effects were being severely felt, there arose an esoteric concept of national revival, of a return to ancestral traditions, of a holy mission to be fulfilled in Asia. This concept revolutionised the life of the country, and brought discredit upon the political parties and statesmen who stood for collaboration with the West and with the League of Nations.

Of the countries which might have helped to maintain equilibrium in the Far East, two of the most powerful were not members of the League. The Union of Soviet Socialist Republics made it quite clear that it did not desire to collaborate with the League[1] and did not intend to allow itself to be drawn into complications with Japan who was extending her occupation in the north of Manchuria at the expense of Soviet interests. The United States, though maintaining their traditional doctrine of the " open door " and the " independence and territorial and administrative integrity of China ", were only willing to collaborate with the League within the limits they had themselves defined for the maintenance of this doctrine and the defence of the principle of the Paris Pact.

China herself, worn out by long years of civil strife, militarily weak, uncertain of the support she might receive from abroad, naturally hesitated between an intransigent policy which would encourage the Japanese partisans of wider intervention in the internal affairs of China, and a policy of compromise which might curb that tendency. Even while hostilities were in progress,

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[1] The Union of Soviet Socialist Republics only became a Member of the League in 1934.

there was no diplomatic rupture between Nanking and Tokio. As a matter of fact, while the League was following its own procedure, negotiations were continuing in the two capitals with a view to discovering some formula of conciliation.

The Sino-Japanese affair marks a grave crisis in the history of the League. It engendered doubts in some quarters as to the universality of the fundamental principles of the Covenant, or at least as to the possibility of applying them in all cases. Though unable to prevent the upheaval in the Far-Eastern situation caused by the action of Japan, the Members of the League refused to abandon the principles of the Covenant; but they did, for contingent reasons, forgo their application.

Leticia Affair

The Leticia affair between Colombia and Peru (1931-1935) was a conflict of a similar kind.

It was fairly serious, because it concerned a matter of territory, and experience throughout the ages, including the short experience of the League of Nations, has shown that territorial disputes are one of the main causes of war. The Leticia dispute, however, possessed certain features which warranted the hope that a peaceful solution might be found. In point of fact, the juridical situation was fairly clear : the Leticia Trapezium, invaded on the night of August 31st-September 1st, 1932, by a body of armed Peruvians, belonged to Colombia under a Treaty signed at Lima between Colombia and Peru on March 24th, 1922, and ratified by both States on March 19th, 1928. The validity of the Treaty was not denied by the Peruvian Government, which asserted that no soldier or officer of

the Peruvian army had taken part in the events at Leticia. But it made out a case of " irredentism " by stating that the occupation had been carried out by a number of citizens under the influence of an irrepressible sentiment of patriotism. In other words, the Peruvian Government did not conceal the fact that it regretted the cession of this territory to Colombia ten years previously and regarded that cession as an act of injustice.

Colombia and Peru both possess immense territories, productive and sparsely populated. The ten thousand odd square kilometres of the Trapezium are an uninhabited tropical jungle, except at the two extremities, where it is bounded by the Rivers Putumayo and Amazon. Furthermore, the riparian population of these two rivers, which form the only means of communication, amounts to only a few hundred persons.

Therefore, although public opinion was very excited both at Lima and at Bogotá, the solutions proposed at Geneva were finally accepted by the two Governments. They agreed, pending the settlement of the fundamental question at issue, to revert to the *status quo ante*. The Peruvians evacuated the Trapezium at the same time as the Colombians evacuated the territories they had invaded.

In the meantime, the League had sent to the spot (June 1933), with the consent of the two parties, a Commission appointed to administer the territory in the name of the Colombian Government while direct negotiations were being pursued at Rio de Janeiro between the delegates of the two Governments. A year later, on May 24th, 1934, an agreement (since ratified) was reached between the two parties. On June 19th, the League Commission officially handed back the territory to the Colombian Government, which had

shown its goodwill towards Peru by undertaking to conclude special agreements with her on the subject of Customs, trade and the freedom of river navigation, thus helping to satisfy the undeniable needs of Peru in the Amazon and Putumayo basins.

It is interesting to note, incidentally, that this affair had been submitted by Peru to the Washington Permanent International Conciliation Commission (September 30th, 1932) before it was submitted to the League of Nations (February 17th, 1933). In another American affair—that of the Chaco—the contrary was the case—in that instance it was, as we saw, the American institutions that finally succeeded, after several setbacks both to themselves and to the League, in inducing the two parties to set out along the path of pacific settlement.

Such, in its main lines, as typified by several striking examples, is the list of political disputes which the League has endeavoured to solve to the best of its ability during the last fifteen years.

D. Mandates

As we have seen above, the League has been called upon, as one of its political and, indeed, administrative and humanitarian duties, to exercise a sort of indirect guardianship over certain peoples " not yet able to stand by themselves ". Under Article 22 of the Covenant, the mandate to administer these territories is entrusted to " advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility ". Those powers administer the territories in question in the name of the League and subject to its supervision.

THE PRINCIPLE

The principle by which these Powers are to be guided in governing native peoples is that " the well-being and development of such peoples form a sacred trust of civilisation ".

Previously, there had been practically no form of administration intermediate between the colony or protectorate and the dominion or sovereign State. In colonies or protectorates governed by officials from the home country, the administration might—and, in fact, generally did—take the interests and needs of the native population increasingly into consideration. Nevertheless, by reason of their very nature and origin, colonies always have been—and still are—treated as an economic asset to the home country.

In other words, there were no territories inhabited by backward or less-developed populations that were governed, first and foremost, in the interests of the well-being and social progress of the natives. It is in this direction that the Covenant, taking a wider view of the rights of humanity, inaugurated entirely new principles. One of these is that the mandatory Powers —which are great colonial Powers—must render an account of their administration to a body which is not national, but international.

THE VARIOUS KINDS OF MANDATE

There are, however, various degrees of " backwardness " and infinite gradations in the scale of civilisation. Thus, the Covenant itself admits (Article 22) that the character of the mandate must necessarily vary according to the stage of the people's development, and for other considerations.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. . . .

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion . . . and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South West Africa and certain of the South Pacific islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory.

Thus are defined, in the order of the development of the population, A Mandates (Palestine and Trans-Jordan, Syria and Lebanon), B Mandates (Tanganyika, Ruanda-Urundi, Cameroons, Togoland), and C Mandates (South West Africa, New Guinea, Samoa, Nauru).

The various mandates [1] were, for the reasons mentioned above, portioned out by the " Supreme Council " between Belgium, France, the United Kingdom, certain Dominions (Union of South Africa, Australia, New Zealand) and Japan.

The Rôle of the Council

It is the Council's duty to see that the mandatory Powers observe, not only the general principles laid down in the Covenant, but also such particular conditions as

[1] Iraq, a former Turkish territory placed under a British A mandate of a rather special character, has, since 1932, been an independent State Member of the League of Nations.

may be specified in each individual mandate. For this purpose, the Council receives each year reports from the mandatory Powers on the mandated territories. These reports, which are in many respects highly technical, are examined by a Permanent Commission appointed to advise the Council on all questions connected with the stewardship of the mandates.

The Mandates Commission

The Commission is the pivot on which the examination of the administration of each territory turns. According as the Commission might prove pliant or energetic, the mandate as an institution might lead to a more or less measured policy of colonial exploitation, or it might become a true instrument of human progress—indeed, an example to the colonial Powers. There can be no doubt that it is the second hypothesis that has been realised.

Each Member of the Commission is responsible to his own conscience alone, and is selected for his experience. The Commission has, from the outset, possessed the necessary technical knowledge to enable it to draw very accurate conclusions from the occurrences and facts related in the annual reports. But, in addition to this, it has provided itself with three sources from which to supplement its official information.

How the Commission obtains its Information

In the first place, it induced the mandatory Powers to send regularly to the sessions of the Commission at Geneva as accredited representative either some high official taking part in the administration of the mandated territories or, where possible, the Chief Administrator himself. The Mandates Commission can, in private session, ask very outspoken questions concerning any

situation or occurrence that has attracted its notice. The official can with equal frankness—and a frankness that would be impossible in a written and published report—explain his views. This procedure makes it possible for the Mandates Commission, disregarding outward appearances, to get down to basic facts.

Petitions are another source ofinformation. They may be addressed to the League of Nations whether they are signed by inhabitants of the mandated territory itself or emanate from sources outside that territory. As the mandatory Power concerned may submit its own observations on a petition, the Mandates Commission has every means of forming an impartial opinion as to the truth of the allegations it contains.

The Commission possesses a third means of obtaining information: the Secretariat of the League provides its members direct with the latest news on questions connected with the well-being of the inhabitants of mandated territories. This news is gleaned from a large number of reviews and newspapers in all countries, including those local newspapers which do not see eye to eye with the mandatory Power. Taking these symptoms, Press versions, and even denunciations of varying weight, into account, the members of the Commission, who have themselves had wide personal experience of the problems of native administration, are able to form their own view of the official version of events and gauge the State of " public opinion " in territories where such an opinion may, without undue exaggeration, be said to exist.

Supervision of the Execution of the Mandates

It will be seen, therefore, that the Commission, though it sits at Geneva, has many methods of acquainting itself with what is happening in the mandated territories.

When it feels that the mandatory Power has acted in a way not strictly in conformity with the spirit of the mandate, it makes its opinion known to the Council in its observations on the reports of the mandatory Powers. Though the Commission may state its view in measured and courteous language, there is never any doubt as to its meaning. It has never sought to evade its responsibilities. It has never hesitated to draw attention to any matter that it has held to be an infraction, or likely to lead to an infraction, of the mandate of which it is the guardian.

It should not be thought, however, that there is ever the least tinge of mistrust between accredited representatives and the Commission. The Mandates Commission would have been ill-advised to adopt a systematically critical attitude towards the mandatory Powers and their accredited representatives; and in point of fact it has not done so.

The Commission and Mandatory Governments

The truth is that the Mandates Commission and the various mandatory Powers really do co-operate. The Commission bases its whole attitude on the presumption that the mandatory Power is fully conscious of its responsibilities and is making a sincere effort to achieve the common aim : the physical and moral progress and well-being of the mandated populations. It endeavours to aid and encourage the mandatory Power in carrying out this task. Inasmuch as it possesses unique experience as an international organ for the supervision of the administration of the most varied territories in Asia, Africa and Oceania, its advice has often proved invaluable. On one occasion, for instance, having noted certain defects in the original frontier-line between Tanganyika

(under British mandate) and Ruanda-Urundi (under Belgian mandate), the Commission suggested a rectification, which was carried out to the great benefit of the populations concerned.

In short, anyone who takes the trouble to consult the series of annual reports on the mandated territories, to read the revelatory Minutes of the meetings at which members of the Commission and accredited representatives of the mandatory Powers collaborate, and to follow the discussions of the Council and Assembly on mandate questions is bound to conclude that the theory of the mandate, as embodied in the Covenant, has become a living fact.

The Results of the Mandate System

One of the great advantages of the mandate system is that it ensures, under the ægis of the League, economic equality among the States Members of the League in A and B mandated territories. We need hardly dwell upon the great value of this "economic equality", because everyone knows what a source of serious conflicts economic inequalities are.

But perhaps the most striking success of the mandate system is that, after a few years' existence, it has established a very high level and standard of colonial administration. This standard has produced effects even outside the mandated territories, especially in the colonies bordering upon them. As railways and roads gradually replace carriers' tracks, and as water transport improves, natives tend to travel farther afield, establish new contacts, and make comparisons between the system applied by a Power in a mandated territory and by the same or another Power in some neighbouring colony.

In short, the application of the mandate system has resulted to a certain extent in internationalising colonial questions, and has rather altered administrative standards. Formerly, a good colonial administration was deemed to be that which procured the greatest economic advantages for the home country without sacrificing the future. The standard of good colonial administration is now that, while facilitating trade between the colony and the home country to the advantage of both, the administration should take the greatest care of the native population, set up as many schools of agriculture and dispensaries as possible, attract to the latter as many mothers as possible, with their children, conduct the most effective campaign against sleeping-sickness, and so on.

Finally, we have one last positive aspect of the League's achievement in the domain of mandates. The mandatory Governments have now, as a result of the firm impartiality of the Mandates Commission and the Council, become accustomed to render account to the advisory organ of the League, which itself renders account to the Council.

E. Protection of Minorities

In carrying out its task of supervising the enforcement of obligations towards minorities which are not uniform in all countries, but vary according to the undertakings given, the League at once came up against some very difficult problems.

The Duties of the Council

Under the treaties, it is the Council that is responsible for the protection of the rights of minorities. Members of the Council alone (and not all Members of the League) may draw its attention to any infringement or threatened

infringement of the rights of the minorities placed under its guarantee. The Council, then, is responsible for seeing that the treaties are applied in the spirit as well as in the letter; that the minorites actually enjoy equal political and civil rights; that citizens belonging to minorities are admitted to public employment in the State of which they are nationals; that they are free to use their mother-tongue in private intercourse or commerce, in their churches, in the Press, and in publications; in particular, that, in districts where the minorities constitute a sufficiently large proportion of the population, their children can attend schools in which the instruction is given in the minority languages, etc.

On the other hand, in view of the general postulate of State sovereignty, which applies indiscriminately to States with obligations to minorities and to all other States, the Council must, of course, take care not to give States of the former class the impression that it is interfering in their internal affairs, or that it regards them as inferior States which cannot be expected to treat their minorities properly, States which possess minorities but are not bound by obligations towards them being, *a priori*, models of justice and tolerance. The Council must, for example, be specially careful to satisfy itself that petitions from discontented minorities or individuals are not really intended, or indirectly likely, to stir up trouble.

The Procedure adopted

The procedure gradually evolved by the Council up to 1929 for the purpose of doing its work in this field as efficiently as possible is as follows :

The Council looks upon every petition simply as a possible source of information. It refuses to regard it

as a complaint against a Government which it is its duty to investigate. Petitions are not receivable if they come from an anonymous or unauthenticated source, or use violent language, or are directed against the treaties. The Secreatry-General decides whether a petition is receivable, and, if so, forwards it to the Government concerned, for observations. The petition and the Government's observations are then laid before the Members of the Council.

PETITIONS

Next comes the question of the use the Council makes of these two sources of information—the petition and the Government's observations. Under the Minorities Treaties, any Member of the Council may draw its attention to an infringement of a treaty.

To make it easier for Members of the Council to exercise their rights and perform their duties in this matter, it was decided to refer every petition to a Minorities Committee consisting of the President of the Council and two (or sometimes four) members appointed by him. This Committee (with the help of the Secretariat) considers the petition in the light of the information available, solely in order to decide whether the Council's attention should be drawn to an infringement or threatened infringement of a treaty concluded for the protection of minorities. The petitions are thus carefully sifted, and only in exceptional cases is the matter brought before the Council, not by one of its Members, but by one of its Committees, which has carefully weighed its decision.

MINORITIES COMMITTEES

In the vast majority of cases, the Minorities Committee endeavours to achieve its ultimate object—to ensure that

minorities enjoy their recognised rights in full—through unofficial negotiations with the Governments involved. Since 1929, when Minorities Committees have declared the examination of a petition closed, they have communicated the result to the other Members of the Council.

Of some four hundred petitions so far received (excluding the very large number from Upper Silesia), about half have been held to be non-receivable. Only fifteen of the remainder were brought before the Council. Minorities Committees may have been originally intended to be committees of enquiry, but they seem to have developed into executive committees, responsible for settling difficulties and finding amicable solutions. When corresponding with a Government, these small and judicious bodies can make courteous representations to it or put forward suggestions for a settlement, and, as their suggestions are always based on a thorough and objective knowledge of the facts, and are conveyed privately, they are likely to be received in a conciliatory spirit.

The Council has acted in much the same spirit as the Committees whenever a particularly important question has been submitted to it. In several cases it has applied to the Permanent Court of International Justice for advisory opinions on points of law; as, for instance, in 1921 with reference to the German minorities in Poland, and in 1934 in connection with the question of the Greek schools in Albania. On several occasions its conciliatory action has admittedly had a beneficial effect.

The Rôle of the Assembly

No study of the League's work for the protection of minorities would be complete without a reference to the part played by the Assembly, which has done valuable work by holding several general discussions on minority

questions. States which have no specific treaty obligations in respect of minorities have thus been reminded that the protection of minorities is still an international question of the day. States with grievances have been able, through the mouths of their delegates, to express their feelings and ideas and say where they think the present system open to improvement.

Objections raised

It has been generally recognised that the League could hardly do more than it has done, and that its procedure was almost forced upon it by the necessity of avoiding both Scylla and Charybdis. It is also a fact that, on many occasions, States have taken the measures expected of them by the Council or have forestalled demands of the Council Committees by taking the desired action of their own accord. None the less, the system for the protection of minorities that has been imposed upon the League by the treaties is open to various objections. These have been openly stated in the Council, and even more frequently in the Assembly. Two of them deserve special mention.

The first is that by adopting—necessarily—a policy of extreme circumspection in regard to the examination of petititons, the League runs a certain risk; minorities are usually ill-informed about the Council's work, although it often leads to good results. This makes them all the more suspicious and ready to believe that the chief concern of the States Members of the Council—even in a minority question—is their own political interests. They suspect, in short, that the fundamental justice of a minority cause counts for less, in the eyes of those Governments, than their own political schemes. This idea, which is only partly correct, was expressed with

particular vigour by the late Count Apponyi in one of his last speeches in the Assembly.

The second objection is more serious and fundamental; it concerns the inequality of States as regards obligations to minorities. Some have such obligations, and others have none. This system of internationally guaranteeing the rights of minorities has always been looked upon with disfavour—not so far as the actual guarantee was concerned, but as being unfair and discriminatory—by those States possessing large minorities which were subject to that guarantee. They did their utmost to put an end to this discrimination and unfairness by formally proposing, as early as 1922, that the system should be extended to all States. Since that time, various States have endeavoured to convince the Assembly (*i.e.*, the Powers not subject to minority clauses, and particularly the great Powers) of the absolute need of remedying the initial mistake which vitiated the whole system and of putting and end to " an exceptional regime contrary to the principle upon which the League is founded—the equality of its Members ".

Positive Aspects of the Work accomplished

These, then, are the chief aspects of the League's work in the matter of the protection of minorities. There is yet another aspect, which is perhaps the most important of all, but which the League's critics tend to ignore —namely, the service done at the outset by the League, which proposed to States a model treatment for minorities, urging them to conform to it as closely as possible, in the highest spirit of modern idealism. By proclaiming the cause of minorities " sacred ", the League made itself the champion of the autonomous civilisations which form the wealth of Europe and the Near East. In addressing

States, it urged the right of minorities to a large measure of understanding, sympathy and respect on the part of their Governments. In addressing the minorities, on the other hand, it wisely dwelt on the duty of loyalty to the State of which they were nationals; it endeavoured with tireless patience to explain that, as minorities, they should not attempt to constitute a State within a State, or to subordinate the interests of the majority to their own.

In short, it attacked the root of the evil—mutual suspicion between Governments and minorities—and advised both sides (pointing the way by its example) to be guided in their words and in their actions by a spirit of fair play and generosity. It has undoubtedly managed to convince all unbiased people that, if all States treated their minorities and if all minorities behaved towards their States as the League urges and helps them to do, the world in general, and Europe in particular, would be a much better place to live in, that peoples would be more contented and States more united.

The League's work in this field has been, and continues to be, both wise and fruitful.

II. TERRITORIAL ADMINISTRATION

Under the Treaty of Peace, the League was invested, in addition to the political functions assigned to it by the Covenant, with the administration of two specific territories situated in opposite corners of Europe.

To the west of Germany, the Saar Basin, with its population of over 800,000, was detached and placed under the administration of the League for a period of fifteen years. This was to enable France to take possession of the territory's coal-mines and by operating them for her own benefit to obtain compensation for

the destruction of coal-mines in Northern France, together with something towards the total owed by Germany as war reparations.

Similarly, in the east of Germany, the League was made responsible for guaranteeing the constitution of the City of Danzig and the surrounding territory, which had been detached from Germany and made into a free State so as to form the nucleus of that approach to the sea which Poland had been promised in President Wilson's Fourteen Points.

The administration of these territories represented two of the League's most serious responsibilities, for, if their inhabitants failed to accommodate themselves to their new status, misunderstanding and friction could scarcely be avoided.

Taking everything into consideration, however, it may be said that the League has discharged this thankless task as creditably as was possible.

A. Saar Territory

For fifteen years, then (1920-1935), the League was responsible for the government of the inhabitants of the Saar, a highly progressive stock and strongly German in sentiment.

Form of Government

For the League to delegate more or less absolute powers to a neutral High Commissioner was out of the question, as such an arrangement would undoubtedly have led to trouble with the inhabitants. The form of government actually adopted, therefore, was a tactful compromise between the discretionary exercise by the League of its powers as trustee, and the necessity of

consulting the inhabitants on the management of their own affairs. The territory was governed by a Commission of five members appointed by the Council of the League, and consisting of one French member, one non-French member, born and resident in the Saar, and three members who were nationals of three countries other than France and Germany. In agreement with the Council, however, the Governing Commission decided that a way must be found of taking the opinion of the inhabitants, and for that purpose it set up, in March 1922, an Advisory Council consisting of thirty representatives elected by direct, equal, universal suffrage, with the secret ballot. It also set up a Technical Committee of eight nominated members, born and resident in the territory, whose duty it was to give technical advice on all matters submitted to them.

The administration of the Saar Territory continued in this form down to 1935. From time to time—particularly at the outset—there was a certain amount of inevitable friction. Serious practical difficulties were caused by the fact that, under the Treaty, the Saar Territory was brought under the French Customs system, and that, in all matters connected with the running of the mines, France had the right to make use of her own currency.

The Psychological Factor

The peculiar psychological conditions under which this experiment in government was made must also be borne in mind.

It was laid down that, at the end of fifteen years of League administration (that is to say, in January 1935), a plebiscite should be held to enable the inhabitants of the Saar to indicate how they desired to be governed—

whether they desired a continuation of the international regime, attachment to Germany, or attachment to France. The tenseness of the atmosphere in which the inhabitants (and the Commission) lived as the decisive day approached will be readily imagined; especially as its approach coincided with the very years (1933-1935) in which Germany, to whom the Saar was still attached by race, culture and feeling, was passing through a political and sentimental revolution.

In this connection, it is particularly instructive to turn back to the very vivid and substantial quarterly reports which the Governing Commission regularly addressed to the Council. The last five or six, particularly, convey a clear impression of the feverish excitement that prevailed as the problems of the plebiscite and the probable change of regime loomed larger and became increasingly acute. In 1934, the meetings of the Council at which it took the necessary decisions with regard to the arrangements for the plebiscite were closely followed by the Press of the entire world.

The 1935 Plebiscite

For the League to emerge with credit from the unenviable position in which it had been placed by the Treaty of Versailles, two conditions were required. In the first place, order had to be scrupulously maintained in the Saar; and, in the second place, the poll had to be conducted in such a way that every inhabitant could fill in his voting-paper exactly as his conscience and his secret desires prompted him. World public opinion was unanimous in acknowledging that these two conditions were fulfilled as completely as was humanly possible. Order was strictly maintained, since the United Kingdom, Italy, the Netherlands and Sweden made it possible to

constitute an entirely neutral international force in the Saar some time before the plebiscite. The genuineness of the poll was ensured by the admirable technical arrangements made by the Plebiscite Commission specially set up by the Council. In the last place, a multitude of questions raised by the transfer of the territory to Germany,[1] the change in the Customs regime and the repurchase by Germany of the mines which had become the property of the French State, were all settled in a praiseworthy spirit or realistic pacificism under the auspices of a small committee of the Council presided over by an Italian diplomatist.

The League's undeniable success in this matter, and the absolute impartiality with which it was everywhere credited, prove that, when the States interested in any problem, however difficult, are willing to give it a free hand, its ability to bring about a settlement in the spirit of the Covenant is unrivalled.

B. Free City of Danzig

In another corner of Europe, the Council still has a no less difficult task on hand. As we have already seen, the existence of the Free City of Danzig represents a compromise between the necessity of providing Poland with access to the sea and the inappropriateness of attaching a town of such unbroken German traditions to Poland.

The Status of the Free City

The status of the Free City, it is true, was defined with the utmost care, partly in the Treaty of Versailles and

[1] Among these we may mention the very difficult problems raised by labour regulations, social insurance, etc., which the International Labour Office was naturally asked to help in solving.

partly in the additional Convention concluded between Poland and Danzig on November 9th, 1920, and the respective rights and obligations of the Free City, Poland and the League High Commissioner in Danzig were from the outset very clearly laid down. Danzig was given the status of a Free City, not forming part of the Polish State, and its Constitution, which was drawn up by its own representatives in agreement with the League High Commissioner, was placed under the guarantee of the League. Its port is administered by an independent Harbour Board, which is responsible for its business management and also for seeing that its free use by Poland is not interfered with.

Danzig is included in the Polish Customs system, though its own Customs service forms a separate administrative unit, run by Free City officials under the control of the Polish Central Customs Authority. A certain percentage of the total revenue derived by Poland from its Customs system is assigned to Danzig. The Free City is required to apply, within its own territory, provisions similar to those of the Minorities Treaties, and to see that there is no discrimination against Polish nationals or against Danzig citizens who are of Polish origin or Polish-speaking.

The Polish Government is responsible for the Free City's external affairs and diplomatic representation. The Polish Government may not conclude any international treaty or agreement affecting Danzig without consulting the Free City. The League High Commissioner is empowered to veto any international treaty or agreement so far as it applies to Danzig, if the Council considers it to be inconsistent with the Free City's special status.

The High Commissioner's functions are of two kinds. In the first place, he is the local representative of the League as guarantor of the Danzig Constitution; and, in the second place, he has powers to settle disputes between Poland and Danzig, subject, however, to their right to appeal to the Council of the League.

Relations between the Free City and Poland

This brief description—the details have been omitted for the sake of simplicity—of the attributes and powers of each of the three authorities concerned in the government of Danzig will suffice to show how easy it would be for clashes and disputes to break out between Danzig and Poland, in the absence of complete goodwill on both sides.

The first dozen years of this regime—which coincided with a period of almost uninterrupted tension in the general relations between Poland and Germany actually gave rise to a considerable number of disputes regarding the interpretation or application of the relevant instruments, as well as to many local incidents. The League High Commissioners had their work cut out to keep an even balance between the two parties, by one or other of whom they were from time to time even suspected of partiality. The High Commissioner's arbitral decisions were constantly called in question, either by Poland or by the Free City, and appeals were lodged with the Council. The latter constantly found its agenda encumbered with Danzig questions, some of which, by luck and ingenuity, it managed to settle, but most of which remained more or less unsolved. As long, indeed, as the parties had no positive desire to come to an understanding, proposals for legal settlement had small chance of success.

Among the highly complicated legal questions which sorely tried the Council's patience and wisdom we may mention the jurisdiction of the Danzig courts in the many actions brought by Danzig railway officials against the Polish railway authorities in Danzig; the creation and installation in the Free City of a Polish postal, telegraph and telephone service; the expulsion of Polish nationals from Danzig territory and of Danzig nationals from Polish territory; the transport of Polish war munitions and material in transit through Danzig territory; the right of Polish warships to enter Danzig harbour and station there, etc.

During the past few years, and more particularly since the joint Polish-German declaration of non-aggression of January 26th, 1934, disputes between the Free City and Poland have been so rare, that the Council's agenda has become almost unrecognisable.

Taken all in all, the Council's action, the avowed purpose of which was conciliation, seems to have been always more or less successful in practice, even though the questions at issue were postponed, failing an amicable agreement between the parties. Here, too, therefore, the League has done useful work, within the narrow limits assigned to it.

III. LEGAL ACTIVITIES

The League's legal activities are of several kinds.

In the first place, it helps to create international law by drawing up international conventions open in principle to all States willing to accept their provisions. This aspect has already been dealt with in detail in the chapters devoted to the League's political work, and will be further octuhed upon in the chapters on its technical activities. The list of agreements and Conventions concluded under

the auspices of the League since its foundation includes, it is true, a certain number which have never come into force through failure to obtain enough ratifications; but as a whole, the Conventions that have already come into force represent an important element in post-war international law. A general codification of international law is thus in progress, particularly with regard to administrative and economic matters.

In the second place, the League has attempted to promote the codification of certain important technical branches of international law, with a view to making their rules more definite, clear and coherent. It has proceeded circumspectly and by stages, confining itself to such questions as appeared to be ripe for codification; for it realised that codification, if it is to have any practical value, must do nothing more than give a well-ordered and universal form to rules the substance of which is already to be found in judicial practice.

After the most careful preparations, lasting from 1924 to 1930, the League decided to summon a Conference at The Hague to attempt the codification of the law on three questions specially selected as being peculiarly suitable for such an experiment—the question of nationality, the question of territorial waters and the question of State responsibility.

On the first of these, the Conference succeeded in framing a Convention, but it has never come into force, because the necessary ten ratifications or accessions have not been secured.

As regards territorial waters, the States represented at the Conference agreed upon certain principles, but on a number of specific points, notably the extent of territorial waters, the various opinions proved impossible to

reconcile, and the Conference had to be content with adopting two recommendations.

On the question of State responsibility, results were completely negative. The Rome International Institute for the Unification of Private Law, on the other hand, has practical achievements to its credit.

This instructive experience proves that, as yet, few general questions of international law are ripe for codification.

It is common knowledge, however, that in all societies, especially those whose organisation is still incomplete, the decisions of the courts are a highly important source of law, which they gradually crystallise and develop.

Such being the case, it is not surprising that the League's most important achievements in the strictly legal sphere during the past fifteen years have been the work of its judicial organ, the Permanent Court of International Justice, which sits at The Hague.[1]

IV. TECHNICAL ACTIVITIES

A. Economic and Financial

All the great economic and financial problems that countries have had to face since 1920 have also been of concern to the League, which has never failed to carry out any task entrusted to it by Governments, provided that it was confronted by a problem with definite limits and, so to speak, localised in space. But when it has been asked, in the name of international good sense, to turn the world aside from an economic and financial policy which the States composing it were deliberately

[1] See page 181.

following, the results of League action have been rather discouraging.

Definite Duties

Owing to serious economic and financial difficulties which they were unable to overcome through their own resources, a number of States have appealed, during the past fifteen years, to international solidarity as expressed at Geneva. The Council and its advisory body, the Financial Committee, having at their disposal technical experts of the highest authority, have always been ready to intervene, and have done so with some success.

Assistance to Austria and Other Countries

The League's first act of intervention—and the most characteristic—was at the request of Austria (1921-1922). Ever since 1919, that country's position had been giving rise to considerable anxiety. Vienna, with its industrial suburbs, was a capital with two million inhabitants —too large for an agricultural country with a population of six millions. Apart from the economic and financial position, which was disastrous, the population was in danger of starvation. For help by the Red Cross, a less provisional reconstruction work had to be substituted; it took the form of an international loan.

Before a start could be made in the direction of economic and financial recovery with the aid of this loan, several conditions had to be fulfilled. The first was the restoration of a daily depreciating currency to a gold basis; for this purpose, a central bank of issue had to be created, and the Government had to surrender its right to issue paper currency.

The scheme also involved the balancing of the budget and a whole programme of reforms and economies, including the discharge of superfluous officials.

The necessary reforms were carried out under the supervision of a League Commissioner-General, residing at Vienna. This system of supervised reforms gave speedy results. The loan was soon taken up, with the guarantee of ten countries, and yielded £26,000,000. The rapid fall of the Austrian crown had been checked so easily that gold flowed into Vienna. Much capital that had fled the country reappeared, and bank deposits increased, showing that the public had regained confidence. The League had attained its object and shown that it was capable of obtaining practical results, thus considerably strengthening its authority.

Since that time, it has devised and carried out several other important plans of financial recovery, notably in Hungary, Greece and Bulgaria. Thanks to its firmness and benevolence, several countries have been encouraged to take heroic but salutary measures, from which they might otherwise have shrunk.

This success, which was financial rather than economic, has naturally been compromised by the world depression, which began in 1929 and has affected those countries, with their limited resources, as much as the larger ones with a sounder economic equipment. The history of the world shows that nothing is permanent, and that an equilibrium, once attained, may again be rapidly disturbed. But it is none the less true that the sound advice of the League, given in a spirit of international co-operation, has in the past had excellent results, which it is capable of repeating in the future.

Settlement of Greek and Bulgarian Refugees

One of the League's successes on a practical and limited issue was the settlement of Greek and Bulgarian refugees after the territorial changes due to the war.

It will be remembered that the Treaty of Peace which put an end to the war between Greece and Turkey in Asia Minor (1923) contained a drastic provision for eliminating the historical causes of quarrel between the two States : the Turks living in Greece were to be evacuated to Turkey, and the Greeks settled for generations in Turkey to be repatriated to Greece. The number of the latter was very large—about 1,500,000.

For a small country of five million inhabitants, this influx of refugees, most of them destitute, was a formidable problem. The Greek Government realised that it must have international help, and appealed to the League. The Financial Committee at once drew up a plan for an international loan of £9,700,000, to be administered by an autonomous organisation. It was expressely provided that the yield of the loan should not be devoted to temporary charitable purposes, but to lasting measures for the settlement of the refugees. From the yield of the loan they were to obtain agricultural implements and small sums of money, which were subsequently repaid out of their earnings.

Representatives of the League and of the Greek Government got into touch, and sorted out the refugees by trades or callings. Dwellings were found for the town workers, who, once they had a roof to shelter them, began to display all the energy and ingenuity of the Greek race, and soon made a livelihood, even introducing a number of new industries into the mother-country.

The country people, who formed the majority, gave more anxiety to the Settlement Office. It became clear that they would best be placed in the outlying territories. Accordingly, they were sent to the northern provinces, from which a large number of Turks had been evacuated, and also to Crete. The Office supplied them with land,

houses, cattle, seed, forage, carts, etc., and paid particular attention to their health. The settlers set vigorously to work, building their own schools, organising their village communities, and founding co-operative societies. In short, with assistance from abroad, they helped themselves so satisfactorily that only 4% of the sums advanced to them out of the international loan remained outstanding at the date for repayment.

The same principles were applied to about 200,000 Bulgarian refugees who had, since 1913, been returning from various places on the peninsula to Bulgarian territory, without having succeeded in gaining a livelihood; and with the same principles, the same success was achieved. These refugees are now merged in the agricultural population of the country, and the grave problem which they constituted not so long ago is now past history.

General Duties

Besides these special duties, the States Members have entrusted the League with the more comprehensive and more thankless task of giving the world, in times of depression or unrest, the guidance necessary to enable individual sovereign States to institute a sound economic policy, with due regard for the interests of international economy. In other words, it was hoped that the League would bring a wise influence to bear on Governments, and would thus establish better international relations between the forces, both private and governmental, at work in each country.

The general advice for which the League was thus asked was given, in particular, at three important international conferences that are outstanding features of its work during the past fifteen years.

THE BRUSSELS CONFERENCE (1920)

The first of these, the Brussels Conference, was perhaps the most fruitful. It met in 1920, at the suggestion of the British Minister Balfour, and attacked the problems of the world financial crisis then prevailing and the exchange difficulties. The war had only just ended, and, after a frenzy of military expenditure, States were accustomed to resort to the most extraordinary measures and expedients, especially to the printing-press, and had the greatest difficulty in following a sound and durable financial policy. The Brussels Conference passed resolutions which States were naturally free to observe or not; but they visibly endeavoured to bring their financial policy into harmony with them. These resolutions were indeed a manual of financial orthodoxy. They exhorted States to balance their budgets, to eliminate superfluous expenditure, to stop inflation due to war and post-war expenditure, to return to the gold standard, to abolish restrictions on international trade, to improve transport, etc.

During the succeeding years, this policy was indeed followed by Governments. The world recovered the prosperity which all will remember. After a wartime shortage, there followed a plethora of production, financed by credits whose volume increased as years went on. Some trade barriers were overthrown; but others were set up—in particular, higher tariffs—owing to the unbridled competition between producing States, whose output was often excessive. About 1925, it was generally felt that the time had come to put a little order into this blind chaos. The President of the Council, in opening that year's Assembly, expressed the prevailing opinion when he insisted on the need for an effort to regulate international economic life.

THE GENEVA CONFERENCE (1927)

Two years later, in 1927, after careful preparation, the World Economic Conference opened in Geneva. To ensure that the social side of economic questions should not be neglected, the International Labour Office helped in preparing for this Conference, in which, not only Members of the League, but also the United States of America and the Union of Soviet Socialist Republics took part. The various committees dealt with the international aspect of all important commercial, industrial and agricultural questions of the day. Based on the experience of " normal " pre-war years, the doctrine enunciated by the Conference was essentially liberal. It was definitely declared that the time had come to put an end to increases of tariffs and to move in the opposite direction. States were recommended to take action for the purpose, both individually and through bilateral commercial treaties, and also collectively through the League.

Unhappily, these exhortations to do away with trade restrictions and to increase international exchanges—to link up peoples more closely with one another—coincided with a period in which the spread of modern methods of cultivation and industrial production in all countries was encouraging men to produce all that they could on their own soil and in their own factories, and to import as little as possible from abroad. The influence of nationalism, that great twentieth-century force, and the rapid growth of standardised or scientific means of production, were shaping the world, not into a single complex, yet well-balanced, economic entity, but into a group of Customs territories that refused to purchase from abroad any commodities other than those which were strictly necessary, and which they were unable to produce within

their territory. The Conference suggested one road, but the States of the world individually set off on another.

However, for two years, from 1927 to 1929, it was still possible to hope that, thanks in particular to a Customs truce, proposed by the United Kingdom Government, the attempt to achieve national self-sufficiency in the economic field was going to stop. But that did not prove to be the case. As a result of the world depression, set in motion in 1929 by the collapse of the New York stock market, economic nationalism became still more pronounced, Customs tariffs were raised, import prohibitions and quotas multiplied, and the volume and value of international trade was further restricted.

The London Conference (1933)

The economic depression resulted in an almost universal collapse of currencies, beginning with the most powerful, sterling. Only a gold *bloc* consisting of a small number of States stood firm, in the face of a much larger group of countries with unstable currencies. These two systems were yet another handicap to international trade, and formed one of the chief reasons for the summoning of a third international conference, this time a monetary and economic conference held in London in 1933.[1]

A few months earlier, the dollar had been detached from gold and depreciated to an extent comparable to sterling. The efforts of the gold group at the London Conference to secure the stabilisation of these two

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[1] A resolution was submitted to the London Conference by the International Labour Conference asking it, in the interests of peace and social prosperity, not to lose sight of the importance of maintaining currency stability and increasing the purchasing power of the masses.

essential currencies were vain, and the League's action in regard to currency was unsuccessful.

On the economic side, the Conference realised that, failing an agreement on stabilisation, no action could be taken in regard to trade policy properly so called. But it none the less endeavoured to encourage the co-ordination of the production and sale of a large number of world commodities, restraining over-production by agreement between producers and endeavouring to find means of increasing consumption, as advocated by the International Labour Organisation. The Conference directed its attention especially to the following, of which the price had fallen considerably during the depression: wheat, cotton, sugar, dairy produce, wine, timber, coal, copper and tin. Some results were obtained, and the ground was cleared for the conclusion of subsequent agreements, as is shown by recent progress in the international organisation of the production of a growing number of commodities.

Such is the general guidance which the League has served to give, and such are the international solutions which it has suggested. Some will regard them as disappointing.

These three important conferences have, none the less, been of real value; for they have turned an international searchlight on national problems, and have notably increased the knowledge that every national administration possesses of world economics. Their lesson has not been wasted. It has served to drive home the international truths enunciated by the League in its yearly publications, such as the *Statistical Year-Book* and the *World Economic Survey*.[1]

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[1] See also page 79.

OTHER WORK

But this is not all. While the League is ready and prepared for further possibilities and developments, it can already claim credit for several concrete successes.

There are the international Conventions already in force on the simplification of Customs formalities (1923), on the export of hides, skins and bones (1928), the trade in which is more considerable than might be imagined, on the progressive standardisation of economic statistics (1928), on the suppression of counterfeiting currency (1929), and on the unification of laws on bills of exchange, promissory notes and cheques (1931).

Each of these Conventions is a step forward from a former state of affairs approaching to anarchy; and each step may lead to another.

There is also the slower-moving work for the gradual unification of the different Customs nomenclatures and for the facilitation of Customs propaganda. By this also it is hoped to promote international trade, which, in any state of world evolution, is bound to continue.

The League's two technical committees and the material which it collects from world sources enable it to study the current phases of world economy and to draw practical conclusions for Governments. Among the volumes which it published in 1935 are three pamphlets well worthy of note : " Enquiry into Clearing Agreements ", " Considerations on the Present Evolution of Agricultural Protectionism " and " Remarks on the Present Phase of International Economic Relations ".

B. Communications and Transit

The Communications and Transit Organisation, which enjoys a certain degree of autonomy within the far from rigid framework of the League, has one of the most impressive records of all the technical organisations. Nor is this surprising. The outstanding feature of the past fifteen years has been the multiplication and acceleration of communications and transport, by land, sea and air; and—many countries being so small that they can be crossed from end to end in a few hours—this development has been not so much national as international in character.

The League was, moreover, explicitly entrusted with a variety of duties in the matter of communications and transit by the Treaties of Peace.

From the very beginning, therefore, the Organisation was called upon to deal with important problems which could be, and, indeed, had to be, examined solely from the legal and technical points of view, to the exclusion of political considerations. Here, indeed, the League found a wide field of activity, in which it already has many valuable achievements to its credit.

Legislative Work

Its task was, in the first place, one of legislation, Article 23 *(e)* of the Covenant having made it incumbent upon Members of the League, subject to certain qualifications, to " make provision to secure and maintain freedom of communications and transit ".

On this principle, which was designed to promote intercourse and trade between countries separated from each other by other States, the League had to build up a body of international law recognised by all States alike,

and ruling out all possibility of discrimination against any one of them. This was the work of the first two General Conferences on Communications and Transit, held at Barcelona in 1921 and Geneva in 1923.

The first Convention on this subject, which was ratified by thirty-four States, provided that all goods transported by rail or inland waterway, whatever their country of origin or destination, should enjoy complete freedom of transit under absolutely equal conditions. This principle was to be applied with only two qualifications—namely, that States should be free to enforce reasonable restrictions to safeguard internal order and national security, and also to adapt the general rule to the special conditions obtaining in different parts of the world.

Transport on International Waterways

Another important question with which the League had to deal was that of transport of all kinds—including import, export and home transport—on international waterways; that is to say, on those accessible to ordinary commercial shipping and providing more than one State with access to the sea (such as the Rhine, the Danube, and the River Plate). The necessity for international co-operation to secure the proper use of such important traffic routes is obvious, and, indeed, some of them had long been governed by international agreements. The Barcelona Conference laid down, with regard to all traffic carried on navigable waterways recognised as being of international concern, the same principles of liberty and equality as had been embodied in the Convention on Freedom of Transit. In addition, it adopted a Declaration by which States with no sea-coast (such as Bolivia, Czechoslovakia and Switzerland) were enabled to possess a maritime flag and therefore a merchant marine.

International Regime of Maritime Ports

Two years later, in 1923, the League sponsored the adoption of a valuable General Convention on the International Regime of Maritime Ports. This Convention was ratified by twenty-four States; it provides for complete equality of treatment among all the contracting States as regards both vessels in the seaports under their sovereignty or authority and the unrestricted use of harbours and harbour facilities. The value of this Convention was that it prohibited all discrimination between flags, and removed a highly important economic question from the negotiations and bilateral bargaining of commercial treaties, putting it, as was only proper, on an international footing.

International Regime of Railways

Apart from the other international questions with which it successfully dealt in a series of Conventions that are still in force (transmission in transit of electric power and development of water-power of importance to several States), the Geneva Conference of 1923 adopted a General Convention on the International Regime of Railways. Even prior to that date, a number of railway Conventions, and above all a great many bilateral agreements between railway administrations, had been in force. This, however, was the first attempt that was made to formulate and codify all the facilities necessary for the efficient international operation of railways, to specify the various obligations of States in regard to railway transport, and to prohibit discrimination in railway tariffs against the nationals or goods of foreign States.

Simplification of Administrative Formalities

In addition to this fundamental work of legislation and codification, the Communications and Transit Organisation has done all it could to simplify administrative formalities in respect of international communications, and to introduce something like order into the heterogeneous mass of regulations more or less empirically introduced by the various countries. This lack of uniformity is, of course, a constant source of additional expense and delay in both passenger and goods traffic.

As early as 1920, a Passport Conference adopted a model passport for general use, and recommended certain other measures to reduce the annoyance and expense occasioned by the very stringent passport and visa regulations in force just after the war. These measures included the reduction of the fees for passports and visas, the extension of their validity, and the conclusion of agreements between States for the reciprocal abolition of entry and exit visas. In 1926, another Conference recommended still further reforms, and many States changed over to a more liberal policy. In the last few years, however, the problems arising out of the export of currency, immigration quotas, and in certain cases even political developments, have brought about a reaction, and passport regulations are now stricter than ever.

Unification of River Law

There was also something to be done in the matter of the unification of river law. The law on this subject varies widely in different countries, and these variations, together with the conflict of jurisdictions to which they may give rise, are a great hindrance to inland navigation, and make it difficult for shipping to obtain the necessary

credits and other commercial facilities. The possible complications will be obvious when it is realised that some vessels ply up and down rivers the courses of which sucessively pass through, or along the territory of, three or four different States.

To settle this question entailed the collection of a vast quantity of material; but the attempt was made by the Communications and Transit Organisation, which, in 1930, drew up three Conventions dealing respectively with collisions between vessels engaged in inland navigation, the registration of inland shipping and the flags of such vessels.

None of these Conventions has yet come into force. But, though hitherto they have only been ratified by a very few countries, that does not mean that they are entirely valueless, but merely that their application must of necessity be preceded by far-reaching changes in national legislation—which takes time.

Buoyage and Lighting of Coasts

The Organisation's efforts in the matter of the unification of the buoyage and lighting of coasts were more quickly rewarded. Seamen are, no doubt, still obliged to make themselves familiar with a heterogeneous mass of national regulations, but the Lisbon Conference (1930) nevertheless made their task somewhat easier by drawing up two agreements, one regarding signals for manned lightships not on their stations (ratified by twenty States), and the other regarding maritime signals (ratified by fourteen States).

Road Traffic

For some years past, the Organisation has also been dealing with road traffic, a question which grows more serious every year as motor traffic continues to develop.

Here, too, practical results have been achieved, and three unification conventions or agreements, drafted by the Organisation and concluded at Geneva in 1931, are now in force. They deal respectively with the taxation of foreign motor vehicles, road signalling and the procedure in regard to undischarged or lost triptychs.

The first two are of particular importance. Under the first, some fifteen States undertook to grant motor-drivers or owners ninety days' exemption from taxes or dues in respect of motor vehicles registered in the territory of one of the contracting parties and having temporarily entered the territory of another. Numberless motorists who enjoy this facility, and have already come to regard it as a matter of course, are unaware that it is something they owe to the League of Nations. The second agreement contains an international code of road signals enabling foreign motorists, ignorant of the language of the country in which they are driving, to interpret correctly any signals they may come across, and thus materially enhancing the safety of the roads.

Unification of Tonnage-measurement Rules

Other matters in regard to which the Transit Organisation is at present working for the conclusion of unification agreements include the at present highly varied rules for the tonnage-measurement of ships, the pollution of the sea by oil, and signals at level crossings.

Public Works

Another matter which the Organisation is investigating is the possibility of creating an efficient international air system linking all the most important points in Europe and the Mediterranean basin. In conjunction with the International Labour Office, it has also conducted a

far-reaching enquiry regarding major public works recently carried out or now in course of execution in the various countries. Hitherto, each country has drawn up its own plans and schemes without giving a great deal of thought to the projects, experience and achievements of neighbouring countries. It was felt that a great deal might be learnt by comparing methods of financing and carrying out such works, the extent to which they can be made to pay their way, and their effect upon economic activity, and more particularly upon unemployment. It may not unreasonably be supposed that national Public Works Departments will be able to derive some benefit from the material thus collected and published.[1]

To complete this picture of the work of the Transit Organisation, there are still three other activities which call for mention.

Co-operation in the League's Political Work

In the first place, it has on occasion co-operated, in its own sphere, in the League's political work, by investigating the technical aspects of problems before the Council or Assembly (questions relating to the Free City of Danzig and to Polish-Lithuanian relations, communications of importance to the League in times of emergency, the erection of a wireless station near Geneva, etc.).

Conciliation

In the next place, the Organisation's most important constituent body, the Advisory and Technical Committee for Communications and Transit, is required, under the Conventions drawn up by the Organisation

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[1] "National Public Works", Two Volumes, published by the Secretariat (1934-1935).

and now in force, to act as mediator between States disagreeing as to the interpretation or application of those instruments. Its functions are the same in the case of disputes regarding the interpretation and application of the communications clauses of the Peace Treaties of 1919-1920. States may also of their own accord apply to the Committee for an advisory opinion on any dispute with which it is competent to deal. It was in one or other of these capacities that the Committee concerned itself—frequently with complete success—with a number of highly difficult questions, such as the exact extent of the Oder system of waterways, 1924; the jurisdiction of the European Commission of the Danube between Galatz and Braila, 1924; numerous disputes regarding the breaking-up of the railway system of the former Austro-Hungarian Empire and its reorganisation within the new political frontiers of Central Europe, etc.

Assistance to Various Governments

In the last place, the Communications and Transit Organisation has assisted certain Governments which have applied for its help. Experts were, for example, lent to the Polish Government to settle certain inland shipping questions, to the Chinese Government for road development and the improvement of certain waterways and to the Siamese Government for the improvement of the sea approaches and equipment of the port of Bangkok.

C. Health

Disease is no respecter of frontiers, and epidemics spread from country to country with disconcerting rapidity, as mankind has long since learnt by painful experience. Only since the discovery of the part played by

microbes as disease-carriers, however, has there been some hope that international action may prove effective.

The beginning of the twentieth century witnessed the first international effort of any importance in this sphere—the contractual recognition by States of their obligation to take uniform health measures in certain cases, and the establishment at Paris (in 1909) of an " Office international permanent d'Hygiène publique ", whose principal task was to collect information regarding the spread of infectious diseases. The creation of the League of Nations was bound to promote closer international co-operation in the field of public health.

Establishment of a Health Organisation

The new institution could not carry out the task of combating disease entrusted to it by the Covenant without a proper technical organisation. Although this took some years to build up, the League's Health Organisation was in working order by 1923. Apart from the Geneva Secretariat, it consisted mainly of a Health Committee composed of specialists in medicine or health questions, and an Advisory Council composed of Government representatives and set up by the Permanent Committee of the Office international d'Hygiène publique, which still had its headquarters in Paris. The Health Committee at once established close co-operation both with the International Labour Organisation, in the fields in which the two organisations meet on common ground, and with the Opium Advisory Committee in connection with the treatment of addicts and the determination of habit-forming drugs.

During the first fifteen years of its existence, the League's Health Organisation developed its activities —which, by definition, are worldwide—in the most varied

technical directions. We cannot mention here all the spheres in which it has achieved results (since public health is one of the fields in which States have been most willing to co-operate with the League); but can at least trace the course of some of its most characteristic activities.

Surveillance of Epidemics

Immediately after the war, even before the Health Organisation was constituted, the League was called upon to combat the typhus and cholera epidemics which had broken out in Eastern Europe, and also the smallpox epidemic which was claiming a large number of victims among the Greek refugees returning from Asia Minor. The Temporary Epidemics Commission set up for this purpose helped to co-ordinate the efforts of the Governments directly affected, and afforded them technical and material assistance.

A Sanitary Conference was held at Warsaw in 1922 under the auspices of the League, as a result of which the sanitary cordons established by the various Governments to check the prevailing epidemics were strengthened, and a number of sanitary Conventions were concluded between Eastern European countries. It is generally admitted that it was thanks to these vigorous and well-devised measures that Central Europe and the neighbouring regions escaped contagion.

Guided by this first experience, the Health Organisation naturally directed its efforts towards prevention. It first of all set up a permanent Epidemiological Intelligence Service. This service—which has been operating to the satisfaction of States for the last twelve years, and is now more or less taken for granted, so that very little is heard of it—consists of a centre at Geneva and another

at Singapore. The data collected by them, both by cable, wireless or otherwise, regarding the movements and incidence of diseases, are collated and analysed by the Geneva Secretariat, which publishes weekly and quarterly bulletins for the use of the health administrations of all countries. Thanks to this network of information, supplemented when necessary by telegraphic communications, the health administrations are notified in good time of any dangers that may threaten the area within their jurisdiction, and are able to take suitable preventive measures.

The Epidemiological Intelligence Service, for which there was no equivalent prior to the creation of the League, has not yet become universal, owing to the inadequacy of the health and medical services of certain countries; but it already covers nearly three-quarters of the world. It has proved particularly valuable in the Far East, where the Singapore Bureau ensures an extremely rapid exchange of information. This bureau is in telegraphic communication with 163 ports, which it notifies week by week of every case of infectious disease. Since July 1933, the information has been broadcast by ten stations. The few health administrations which have no adequate equipment to receive the League's radio-telegraphic bulletins receive a weekly telegraphic report. In 1932—to take a recent year—188 ships were reported to the Singapore Bureau as having infectious disease on board. In such a case, the port for which the vessel is bound is notified, so that the health authorities can take the necessary precautions, such as the medical examination of passengers and crew and the disinfection of the vessel. Ships at sea are also daily informed by wireless whether the port for which they are bound is infected; in which case, the captain can take the necessary precautions.

STANDARDISATION WORK

The Health Organisation has made a definite contribution to the standardisation of sera, vaccines and biological products. The importance of an international standard for sera and vaccines is obvious. To take an example, during the war, when tetanus was prevalent, English and American doctors in France were often obliged to administer French anti-tetanus serum, the titre of which differed appreciably from that of the products which they were accustomed to use at home. This sometimes led to accidents. The international standardisation of these sera not only protects the patient, but helps the practitioner. It is the outcome of the laboratory work of a large number of experts in different countries, who co-operate at a distance in carrying out their experiments and applying certain methods. After ten years' continuous work, the Health Organisation has established international standards and units for the principal sera, four vitamins, three sex hormones, gland extracts, such as insulin, and various other medicaments. These international standards are kept in two laboratories (Copenhagen and Hampstead) on behalf of the Health Organisation. Samples can be obtained on application to the Secretariat.

The time having come to give practical effect to this patient and persevering work, an Inter-Governmental Conference met at Geneva in October 1935 to arrange for the standards and units recommended by the Health Organisation to be brought into general use and included in national pharmacopœias.

The Organisation has also endeavoured to standardise morbidity and mortality statistics. Experience has shown that, before these statistics can be regarded as internationally comparable, they must be co-ordinated

and standardised—a very complicated task, involving the establishment on lines both scientific and practical of a joint system of nomenclature for the various diseases and the compilation by this method of an international list of causes of death. However, the goal is already in sight.

Research Work on Various Diseases

Soon after it was established, the League was asked to study certain diseases and their treatment from the international angle. It has been particularly active in regard to malaria. Tens of millions of human beings in all parts of the world are suffering from this exhausting disease. Quinine is the standard remedy, but it is expensive, and many national health services cannot distribute it to their malaria patients in sufficiently large quantities. For some years past, therefore, a large number of scientists have been working in their laboratories to discover new synthetic medicaments which will to some extent replace quinine in the treatment and prevention of malaria. Some of these quinine substitutes, particularly atebrin and the atebrin-plasmoquine and atebrin-quinine combinations, appear to have proved their worth, but it is very important that their efficacy should be established with due scientific accuracy. To this end, lengthy and meticulous experiments must be carried out in different countries under strictly comparable conditions.

This is precisely the type of work for which the Health Organisation is excellently equipped, and which it has undertaken. The joint programme to be followed and the conditions under which the experiments are to be carried out were drawn up by it in October 1934 and February 1935. These experiments, which are expected

to cover eighteen months, are now being carried out under the direction of specialists, and under strictly scientific conditions, in Algeria, Italy, Roumania and the Union of Soviet Socialist Republics. The results are bound to be highly instructive, and malaria patients will no doubt reap the benefit when they are applied in practice.

We have intentionally described one of the Health Organisation's current activities; but it has done work of no less practical importance on other diseases, such as tuberculosis, leprosy, etc. In particular, a large-scale enquiry was undertaken into syphilis, the course of which we will briefly trace by way of example.

In 1928, the Health Committee decided to study the results obtained by modern methods of treating this disease. The enquiry was conducted on uniform lines in certain clinics in Germany, Denmark, France, the United Kingdom and the United States of America. More than 25,000 cases, represented by the same number of individual case-record cards containing a large number of details, were carefully studied and analysed. At the end of six years—in 1934—the scientists in charge of the enquiry in the various countries drew up a joint report of over one hundred pages, which aroused keen interest among medical men everywhere. The statistical data furnished by the investigators threw light on the value of the various methods of treatment, and they indicated a plan of treatment, based on thousands of experiments, which was likely to produce satisfactory results in ordinary cases of recent syphilis. It is not surprising that a large number of public administrations and venereologists should regard this report as a source of useful suggestions and an additional weapon against this formidable disease.

OTHER WORK

To be complete, an analysis of the League's very vast and complicated activities in the health sphere ought also to include a detailed account of its successful efforts in regard to the exchange of health personnel, the organisation of regional sanitary conferences (such as the Pan-African Sanitary Conference held at Capetown in November 1935), international courses in malariology (at Singapore and Rome), rural hygiene, popular nutrition, urban and rural housing, etc.

Mention should also be made of the valuable technical assistance afforded to China at that country's request during the past few years.

The few examples given, however, will doubtless lead the reader to conclude—and rightly—that in no sphere have the League's labours achieved more positive results than in this strictly technical field, from which all politics are necessarily excluded, and where there is nothing to check the spontaneous movement towards human solidarity.

D. Intellectual Co-operation

The Covenant implies international action for the purpose of solving, by loyal co-operation, the problems raised by the complexities of our age. The League of Nations could hardly fail therefore, to put intellectual *rapprochement* in the forefront of its activities, and in so doing it was bound to make an appeal to those who devote themselves to educational and intellectual work in each nation.

After the war, it resolutely set itself to work on these lines.

THE INTELLECTUAL CO-OPERATION ORGANISATION

In 1922, the Committee on Intellectual Co-operation was set up, and, in 1925, its executive organ, the International Institute of Intellectual Co-operation, established in Paris by and at the expense of the French Government, began work. In 1928, the Italian Government presented the Committee with two special institutes, with whose help it extended its activities in two very interesting spheres. These two centres are the Institute for the Unification of Private International Law and the International Educational Cinematographic Institute, both at Rome. For some ten years past, therefore, the League has had adequate means of action and material resources for its work of intellectual co-operation.

THE PROBLEMS OF INTELLECTUAL LIFE

The Organisation had to work on entirely fresh ground, and its entry into this trackless forest was viewed with scepticism in many quarters.

Until the beginning of the present century, the intellectual, the scientist or research worker, was essentially an individualist; he worked on his own lines and hated administrative or official interference. He did not want to have to co-operate with his colleague in the neighbouring town or country. Such co-operation as there was must come from himself. Hence, before the war, international intellectual co-operation was confined to direct interchanges of correspondence, information and ideas between scholars interested in the same studies, and congresses of specialists organised by themselves.

Nevertheless, intellectual activity affects what is most intimate and profound in the life of peoples. Hence, any

effort after the war to revive or stimulate intellectual intercourse between nations separated by tragic misunderstandings was beset with difficulties.

The intellectual life of peoples was in full process of transformation. The material and external problems with which intellectuals were faced were far more acute than ever before. The steady increase in school attendance, the increasing popularity of secondary and technical education, the growing number of scientific processes which were adopted by commercial undertakings and obliged them to employ intellectuals—all these factors had helped to swell the number of intellectual workers, and had imperilled the old conception of careful and disinterested study. The appearance of mechanical inventions, which had rapidly taken root in the cultural life both of the classes and of the masses, such as the gramophone, the cinema and the wireless, had given rise to a multitude of intellectual problems which also had their educational and moral sides.

Choice of Questions to be studied

Faced with this tangled skein of problems, the Committee on Intellectual Co-operation had an embarrassing range of choice. It approached certain questions which seemed to it to be urgent, but quickly found that it could do nothing to facilitate or expedite their settlement. But the astonishing thing is that it so speedily divined the spheres in which it could do really effective work. It at once became evident that, by its mere existence, by the eminence of the men and women of which it was composed—Bergson, Einstein, Lorenz, Mme. Curie, etc.—by the intellectual contacts which it boldly restored after the hiatus of the war, and by the effort of mutual understanding and goodwill of which it was the expression, the

Committee on Intellectual Co-operation in itself represented an act of *rapprochement* between the nations and a valuable jumping-off ground.

If we survey its work in the course of the last ten years we shall find that there are three main spheres in which it has had good results. In the first place, it has done good service to the League spirit—the spirit of peace. Secondly, it has done its utmost to assist the States in the organisation and improvement of their educational services. Lastly, it promoted the disinterested discussion of intellectual subjects.

Its Work in the Cause of Peace

Once the Conference for the Reduction and Limitation of Armaments (1932 and following years) had traced out a programme of moral disarmament, it was natural that the Intellectual Co-operation Organisation should lend its support. As we know, this effort had no concrete result, but the Governments had at least recognised that moral disarmament, particularly in Europe, was a necessity, and this encouraged the Committee on Intellectual Co-operation to persevere in its efforts.

Teaching of the Aims of the League

Setting out from the idea that, if the Covenant was to take firm root in the minds of men, the younger generation must be brought up in a spirit, not merely of patriotism, but of tolerance and peace—which is by no means a contradiction in terms—the Intellectual Co-operation Committee from the outset did all in its power to ensure that schoolchildren in the different countries should be properly instructed in the aims and work of the League. For this purpose, it drew up a certain number of suggestions and practical recommendations addressed to Governments.

These recommendations have been received with some distrust in certain quarters (for States jealously reserve their right to teach their children as they think best), but, on the whole, they have had good results, and a number of Governments have in the last few years made provision to include in the teaching of geography, history, modern languages and civics in their schools the most modern ideas regarding the interdependence of peoples and respect for other nations, and the new conceptions of international co-operation and the pacific settlement of international disputes.

School Text-books

Finding that text-books which tended to perpetuate anti-foreign prejudices or old grievances were in use in many countries, the Committee studied from every aspect the serious question [1] whether education authorities could not be induced to revise in a spirit of impartiality and international tolerance such of their text-books as were animated by a spirit incompatible with the spirit of the League. The Committee has not, of course, been able to take direct action, but its indirect influence has undoubtedly made itself felt. For example, some offensive passages likely to endanger good relations between neighbouring States have been omitted from the most recent editions of certain history text-books.

Another attempt to help the younger generation to grow up with a proper respect for neighbouring peoples has been made by the Institute of Intellectual Co-operation, which has been successful in encouraging foreign travel for young men and girls. A young man from one

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[1] "School Text-books Revision", Paris 1932, published by the Institute of Intellectual Co-operation.

country who has travelled under normal conditions in another, and has had genuine contacts with his contemporaries there, seldom fails to bring back sound ideas about that country, and often develops a keen appreciation of its merits.[1] In the same connection the Intellectual Co-operation Organisation is endeavouring to familiarise young people with the folklore of foreign countries—the expression of their most fundamental characteristics.

Broadcasting and Peace

For many years past, the Organisation has been preparing a draft international Convention on broadcasting and peace. It is obvious enough what an important part broadcasting can play either in stirring up strife or in spreading peaceful ideals. This draft, which has already been approved by a large number of Governments, does not merely regulate broadcasts in a negative way—that is to say, it does not simply prohibit those which offer an incitement to war or are likely to disturb good relations between peoples owing to the character of the news they publish. It contains a clause of some boldness under which the contracting parties undertake to facilitate the broadcasting of items calculated to promote a better knowledge of the civilisation and the conditions of life of other peoples.

Even before this important draft has become a Convention, it has exerted a beneficent influence. The recent Agreement on Radio-Communications signed at Buenos Aires (June 1935) by the delegates of six South

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[1] See " Peace through Youth ", Paris 1934, published by the Institute of Intellectual Co-operation.

American States, which provides practical measures for the prevention of any broadcast likely to wound the national sentiments of the contracting countries, is visibly inspired by the provisions drafted by the experts of the Intellectual Co-operation Organisation.

Its Work in the Service of States

As States develop and become modernised, and as, owing to increased administrative responsibilities, those which are least advanced from the point of view of cultural organisation feel the need of institutions similar to those of countries at a more advanced stage of evolution, it comes to be perceived that the forms of intellectual life in different countries show an increasing resemblance, and that each State adopts towards given cultural needs and tendencies within its own boundaries an attitude very similar to that of other States.

Public Libraries

For example, fifty years ago, very few countries had well-organised public libraries, a larger number had less well-organised libraries, and many had practically none. Nowadays, the universal development of the national ideal, which has become almost a religion, combined with the democratisation of culture, has had the result of promoting, with the encouragement and often under the direct control of the State, the foundation of more libraries. At the same time, it was realised that, if they were to perform all the services they should, libraries must, as far as possible, be organised according to a certain technique. That technique was more advanced in some countries than in others. It was therefore felt that it would be useful to arrange or encourage regular

contacts between librarians of different countries, so that one might profit from the experience of another; that new international activities might arise on the basis of common interests; that a new zone of international contacts and a new focus of international organisation might be created, and that 100, or 200, or 500 specialists might henceforward feel that they were working at a single task and promoting a single ideal.

Here, and elsewhere, the League was able to play an unassuming but very effective part. It may fairly be said that the Intellectual Co-operation Committee took full and skilful advantage of the opportunity thus offered. Largely thanks to its work, a genuine system of international co-operation has been established, and is now working satisfactorily, not only among librarians, but among other authorities in the intellectual sphere, such as central archives and Ministries of Education, through the medium of national centres of educational documentation, or through co-operation between directors of higher education, art and science museums, graduate schools of international studies, and the like.

The International Museums Office

In these last two fields, the efforts of the Intellectual Co-operation Organisation have been particularly fruitful. It is responsible for the creation of an International Museums Office, whose quarterly organ, *Mouseion*, meets a genuine need, to judge by its success. Thanks to the Office, museography has made great progress in all countries. It has dealt with particular success with the protection of works of art and historical monuments, and with the technical, legal and other means of ensuring this protection in the most effective manner.

Since 1928, under the auspices of the Organisation, a permanent International Studies Conference has been instituted, which centralises the work of the principal national schools engaged in the scientific study of international relations (Royal Institute of International Affairs, London; Graduate Institute of International Studies, Geneva; " École Libre des Sciences politiques ", Paris; South African Institute of International Affairs, etc.). The study meetings which were held in London in June 1934 were attended by some twenty different groups or institutions from European and oversea countries, and demonstrated the vitality of this new focus of international organisation. It is in full process of development, and is well on the way to achieving universality, as is proved by the negotiations in progress for the admission of new institutions, both European and Asiatic, engaged in the scientific study of international relations.

In 1930, the Intellectual Co-operation Committee set up a permanent Committee on Arts and Letters, whose task was, apart from questions of organisation, technique, intellectual rights, etc., to study on a high and disinterested plane the general problems of intellectual co-operation.

The Committee adopted the method of *Open Letters* and *Conversations*. Inspired to some extent by the literary, philosophic and critical correspondence of the Abbé Raynal and Baron von Grimm, the Open Letters of the Committee on Arts and Letters are a sort of permanent enquiry organised in the form of correspondence between men devoting themselves to study, speculation and meditation on the problems of their

time. Four volumes [1] have already appeared, which show that the Intellectual Co-operation Organisation can successfully adventure into the realm of thought. Under the title " Civilisations ", the last volume (1934) contains correspondence between Professor Gilbert Murray and Rabindranath Tagore on " East and West ", and between Professor Strzygowski and Professor H. Focillon on " The Northern and the Latin Mind ". This constitutes a valuable contribution, which is of particular interest at the present time, to the study of the possible forms under which different types of cultures and genius might be synthesised.

Among the most suggestive of the *Conversations* which the League of Nations has organised each year since 1931 between distinguished thinkers anxious to avoid secluding themselves from the world, we may mention the Frankfort Conversation on " Goethe " (1932), that of Madrid (1933) on the " Future of Civilisation ", and that of Venice (1934) on " Art and Reality " and " Art and the State ".

Such are the principal spheres in which the League of Nations has done the most useful work. So great is the complexity of the intellectual world, and so manifold the work of the Intellectual Co-operation Organisation, that the choice of these headings was inevitably somewhat arbitrary. Emphasis should also be laid on the increasingly important part played in the last few years by the Educational Cinematographic Institute at Rome in the essentially international world of cinematography on the action taken by the Intellectual Co-operation Organisation in regard to university interchanges and joint meetings of international students' organisa-

[1] " Why war? " (Einstein-Freud); " A League of Minds "; " Esprit, Ethique et Guerre ", " Civilisations ".

tions, on the value of its co-operation in recent years with the International Labour Organisation [1] in the study of the distressing problem of unemployment among young university graduates, and on the good work done in each country by the forty or so National Committees on Intellectual Co-operation, the formation of which has been promoted by the League.

It may be, however, that the foregoing remarks have already given a sufficient idea of the principal tendencies of intellectual co-operation which the League is endeavouring to stimulate.

E. Social and Humanitarian Work

It had already become evident before the great war that certain social reforms on which the physical and moral well-being of peoples depended could only be secured through co-operation between Governments. Once the war was over, there followed in its train a whole cohort of ills that could be cured or alleviated only by international means. Accordingly, Governments were led to give the League and the International Labour Organisation a chance of proving their usefulness in this field.

1. Urgent Help in Emergencies

At the beginning of 1920, half a million prisoners in Europe and Asia were waiting to return to their homes. Private organisations were doing what they could to minister to their daily needs, even if they could not

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[1] In the same field, the Intellectual Co-operation Committee has left it to the International Labour Organisation to enquire into the material conditions of life (pay, employment, etc.) of intellectual workers.

repatriate them; but the problem remained, and, in fact, grew more serious.

The matter was brought up in April 1920 before the Council, which entrusted Dr. Nansen with the task of repatriation—a particularly difficult one in that war was still going on in Eastern Europe. Every kind of supply was lacking, but the creative genius of Nansen was able to improvise everything; he was aided by gifts of money from various Governments, and was helped by charitable organisations, especially the International Red Cross Committee. A month after his appointment as High Commissioner, repatriation began. In less than two years (1920-1922), 427,386 persons of twenty-six different nationalities had been restored to their homes.

The second post-war problem, a yet vaster and more complex one, was that of refugees. War and revolution had driven from Eastern Europe about two million men (soldiers and civilians), women and children of all ages, and had scattered them through Central and Western Europe and Asia. The majority were destitute. The countries and towns to which they had fled (Poland, Roumania, Constantinople, Manchuria) were not only unable to absorb them as labour, but were themselves suffering from a food shortage and often could not even maintain them.

In June 1921, the Council decided to appoint a High Commissioner to co-ordinate the activities of Governments and private organisations. This High Commissioner was Dr. Nansen, who, with the help of the International Labour Office, began by taking a census of the refugees. After that, they had to be found a living. They were gradually moved towards countries where there were openings for them, in Central and Western Europe (especially France) and even in America.

At about the same time a second wave of human wreckage broke upon Eastern Europe. Besides Greeks from Turkey, of whose settlement in Greece we have already spoken, [1] events in Asia Minor led to the expatriation of 300,000 Armenians and 30,000 Assyrians, Assyro-Chaldeans and proscribed Turks. Most of these flocked either to Constantinople (then occupied by the Allies) or to Greece or Syria. In a few weeks, thanks to the combined efforts of private organisations and of the League, the refugees were rescued from famine and disease, and it was then possible to undertake their final settlement. This work, with which the International Labour Office was closely associated, took a considerable time. A large number of Armenians were settled in Syria and Lebanon under French mandate. Others went to France, America or the Armenian Soviet Republic of Erivan.

Since 1931, the completion of this work has been in the hands of the Nansen International Office for Refugees, which receives the necessary funds for its administration from the League, and is still finding homes and employment for refugees. Thanks to the recognition of the "Nansen passport", by most Governments, the problem of their provisional status has been solved, and they are able to move from one country to another. This ingenious identity-certificate was given first to Russian and then to Armenian refugees; it serves as a passport, thus relieving them of many of the difficulties of "statelessness". The number of these Nansen passports is diminishing as the refugees obtain naturalisation in the country where they reside, which tends to become their own.

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[1] See page 132.

The League has not only to clear up the work connected with the refugees of earlier years. New questions were referred to it in 1934 and 1935, owing to the migration to France of some thousands of political refugees from the Saar (after the Plebiscite of January 13th, 1935) and to the anxiety of a large number of Christian Assyrians, previously living in Iraq, to leave that country. After investigating the possibility of settling these Assyrians overseas, the League accepted the French proposal to establish them in Syria, where a number of Christian Assyrians are already living.

2. Slavery

A New Zealand delegate, Sir Arthur Steel-Maitland, was the first to put before the League, in 1922, the question of slavery. Pointing out that there was good reason to think that slavery in Africa was dying hard or even gaining ground, he asked the Assembly to recognise that this was a matter for the League, as representing humanity. Many States Members, he said, had undertaken to abolish slavery in their territories; but it was not certain that they had fully succeeded. That was particularly the case in Ethiopia, where the Sovereign had decided to put an end to the evil, but was faced with difficulties for which he could not be held responsible.

The 1926 Convention

The League took the problem in hand, and set about securing authoritative information from various Governments. It was thus, after a few years (in 1926), in a position to draw up a Convention which, if enforced, would hasten the total abolition of slavery and the slave trade, and render previous international agreements, like

the Act of Brussels (1890) and the Convention of St. Germain (1919), more effective.

The definition of slavery as " the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised ", covers not only slavery itself, but also its indirect or incomplete forms, such as serfdom, peonage, certain aspects of forced labour, servitude for debt and the enslavement of children or purchase of girls, disguised as adoption or dowry. The contracting parties undertake to suppress the trade, so as " to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms ".

Undertaking of Signatory States

The signatories also undertake to prevent forced labour from developing into conditions analogous to slavery. As a general rule, such labour, for other than public purposes, is prohibited. In areas where it still survives for other than public purposes, the contracting parties undertake to endeavour to put an end to it progressively and as soon as possible. Where it remains, it must be of an exceptional character and receive adequate remuneration. It may not involve the removal of a labourer from his usual place of residence.

The Slavery Convention of September 25th, 1926, has now been ratified by forty-two States, and seems to have had good results in many territories. At the same time, the gradual introduction into the interior of Africa of motor transport on tracks or roads, in the place of native porterage, and the completion of several railways have helped to reduce the necessity for forced labour.

In 1932, the League again reviewed the position. It then appeared that occasional isolated or collective cases of the capture of free men still occurred in some

inadequately governed areas, and that slave-markets existed here and there. The Assembly therefore decided to appoint a Permanent Advisory Committee to study the facts and institutions mentioned by the 1926 Convention, and to consider means of eliminating them. This Committee began its work in 1934.

It may be hoped that, thanks to these measures, the last strongholds of slavery will soon be reduced.

3. Traffic in Women and Children

Article 23 *(c)* of the Covenant entrusts the League with " the general supervision over the execution of agreements with regard to the traffic in women and children ", and thus reminds us that, in this sphere also, the League is only carrying on, with more effective machinery, a movement already in existence before the war.

The development of international transport, especially trans-oceanic shipping, during the nineteenth century, not only increased the number of emigrants of both sexes, but also enabled traffickers in women to organise their nefarious trade on much more ambitious—indeed almost worldwide—lines. The traffic had become an international scourge, against which international measures had to be taken.

Earlier Action

This was the origin of the 1904 Agreement, whose signatories undertook to set up authorities in their territories to collect all information concerning the traffic, to watch the ports where it might be carried on and to assist its victims.

By the 1910 Convention, States undertook to punish traffickers, even when they had committed their offences in other countries.

But, owing to the lack of a central body capable of stimulating Governments and making sure that the agreements did not remain a dead letter, accessions and ratifications to this Convention were still too few, by the end of the war, for the work to be effective.

First Steps taken by the League

The League then joined its efforts to those of private organisations and Governments. An enquiry was held into the manner in which the Conventions of 1904 and 1910 were applied, and the League set to work to secure an extension of States' obligations. In due course another convention was adopted, in 1921. It raised the age at which a woman may agree to be recruited for the traffic from 20 to 21 years. Below that age, any engagement of a woman was in any circumstances an offence punishable by law. Attempts at procuring were also made punishable, as well as the act itself. Governments were further asked to send to the League each year a report on the execution of these Conventions.

The need had been felt for an advisory body to examine these reports and keep the Council informed. The Committee on the Traffic in Women and Children was accordingly set up, and has for many years been endeavouring, with considerable success, to extend the field of application of the 1921 Convention, which has now been ratified or acceded to by forty-seven States. The annual reports of Governments, combined with those of the big private organisations working on parallel lines, enable the Committee successfully to carry on its work of co-ordination and supervision.

Enquiries into the Traffic

A generous donation from the American Bureau of Social Hygiene has enabled the League to undertake two

comprehensive enquiries (1926-27 and 1930) into the nature and extent of the traffic in different parts of the world. These enquiries have yielded information of great value both to the League and to Governments and private organisations; for, the more that is known of the evil, the better can it be fought. There is now no doubt that contracts offered to girls for theatre, music-hall or *café chantant* tours abroad are often deceptive, and the necessary supervision can now be better directed.

The 1933 Convention

Increased information led to the conclusion that the Convention concluded by the League in 1921 might be extended; for under it only the traffic in persons under age was punishable. The new Convention, concluded in October 1933, came into force in August 1934, and marks a great advance, for it provides that the international traffic in women of full age, with a view to immorality in another country, even with their consent, shall be subject to penalty.

Tolerated Houses of Prostitution

Simultaneously, the League undertook to deal with the international aspect of the problem of tolerated houses of prostitution, which had till then been considered a matter for national authorities. Experts were becoming more and more convinced that there was a connection between the existence of tolerated brothels under State regulation and the flow of the traffic that supplied prostitutes to these houses. The League began with a careful study of the conditions in which certain countries and towns had abolished regulation, and of the conclusions that Governments and municipalities had drawn from those experiments. It found that, in the

view of those authorities themselves, the abolition of regulation had not, in general, caused an increase of venereal disease or been prejudicial to public order, and that the closing of tolerated houses had rather reduced the dangers of the international traffic in the areas affected.

The League duly passed this first-hand information on to States in which the system of tolerated houses still exists. Public opinion, under stimulus from the voluntary associations, is inclining more and more towards the abolition of regulation, and there is reason to think that an increasing number of towns and countries will adopt this course in the next few years.

Repression of Obscene Publications

In dealing with the moral protection of women and girls, the League was necessarily led to take up a kindred problem that had become very serious after the war—that of the international traffic in obscene publications. An attempt at international action had already been made in 1910, but had not led, as had been hoped, to the conclusion of an international Convention uniting all States in the protection of the younger generation from this evil.

The League took up the problem as a whole, and had no great difficulty in framing, in 1923, a Convention on the suppression of the circulation of and traffic in obscene publications, which has since been ratified by more than forty States. This Convention strengthened and extended the preventive clauses and penalties of the 1910 draft, which had not been accepted. The signatories undertook to punish persons making or producing obscene publications, having possession of them for commercial purposes, whether exposed for sale or not,

or publicly exhibiting them. The Convention also prohibited, under penalty, their import, export or transport, and all publicity relating to obscene matter. The Traffic in Women and Children Committee supervises the execution of this Convention, and receives yearly reports from Governments giving information of all breaches of the Convention, which now serves as a guide for national legislation on the subject.

The international traffic in obscene publications has not, indeed, been completely stopped by these measures, but it has been driven underground, owing to the penalties imposed on it, and has certainly diminished in volume.

4. Child Welfare

A proposal from Belgium led the League, in 1924, to add child welfare to the other aims assigned to it by the Covenant. Previously, it had confined itself to a campaign against certain specific evils that threatened children and young people. But, with the aid of a " Child Welfare Committee ", it embarked on an international undertaking more positive in character, while at the same time partly preventive. It well realised that every question of child welfare was linked up with numerous questions of municipal law, political and budgetary economy, morality and education, though in varying degrees in different countries, and that a homogeneous solution was therefore difficult to reach.

The field of work being a relatively new one, the Committee had its own methods to establish.

There was, of course, the classical method of preparing draft international Conventions. The Committee is, in fact, the author of a model agreement regarding the return of children and young people to their homes,

which has already served as a groundwork for several bilateral and multilateral Conventions; also of a draft Convention for affording to indigent foreign minors in each country equal treatment with minors of the country itself.

Comparison of Methods and Institutions

But the Committee's chief task was a comparison of the different methods and institutions existing in States for the protection of children deprived of a normal and reliable home.

The method of conducting investigations in a number of countries and suitably publishing their results has certainly proved of value. Beyond doubt, States in which child welfare work is less advanced have benefited by the successful experiments carried out in countries where private initiative or national legislation is highly progressive; and both law and administrative practice in every country have tended to improve through the adoption of provisions for child welfare that have been found successful elsewhere.

The Child Welfare Committee's Enquiries

For the past ten years, States have been vying with one another in the introduction of reforms. Not only have methods and institutions been changed, but also the spirit in which the methods are applied. It is no exaggeration to say that the three enquiries made by the Committee between 1928 and 1934 into the auxiliary services of juvenile courts, the organisation of such courts, and the institutions for erring and delinquent minors, have already borne fruit. Chief stress was formerly laid by the law on the punishment of juvenile delinquents, but the more modern notions of prevention and patient reclamation have now gained the upper hand.

Amongst the other aspects of the Child Welfare Committee's activity we may mention the amendments secured in national legislation on the age of marriage (notoriously too low in some countries), the legal status and compulsory guardianship of illegitimate children, the regime of family allowances and the discovery, protection and training of blind children.[1]

The League has also undertaken the systematic collection of all useful information concerning child welfare, and, in 1935, it set up at Geneva an information and publicity centre for child welfare questions, which, it may be hoped, will be of worldwide value.

5. The Drug Traffic

The supervision of the traffic in opium and other dangerous drugs is perhaps the most important social and humanitarian activity undertaken by the League, in view of the considerable interests at stake, the extent of the evil to be overcome, and the natural anxiety of the public, which cannot endure that the world should stand by while hundreds of thousands of persons, and even whole races, are physically and morally ruined. The League has also been able to reckon on the goodwill of a large number of Governments, which soon realised that it was to their interest to save their peoples from drug poisoning. For this reason, most Governments have been ready to proceed with considerable boldness to collective action.

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[1] It need hardly be mentioned that the Child Welfare Committee keeps in close touch with the work of the International Labour Office on the same subjects, and invites its representative to meetings of the Committee.

THE POSITION AFTER THE WAR

When the League took up the question, the situation was briefly the following:

There existed an international Convention—the Hague Convention of 1912—which was not in force for want of sufficient ratifications, but which the signatories of the Treaty of Versailles had agreed by Article 295 to ratify, *ipso facto*. Once it was enforced by a sufficient number of States for it to operate effectively, this Convention for the first time imposed on the contracting parties certain obligations for regulating the trade in and production and manufacture of drugs.

Although it contained certain provisions for national supervision, the Convention was found to be insufficient as regards measures for a general control of the international drug traffic. This was a serious omission, for experience showed that drugs were moved from one country to another with extraordinary facility. A country manufacturing at one end of the world could freely pour drugs into a non-manufacturing country at the other end.

Such a state of anarchy prevailed in the manufacture and distribution that no one knew whether the output was to the lawful medical and scientific requirements of the world as 5 or 10 or 20 to 1. All that was known was that the reduction of manufacture to strictly necessary requirements was, as things then stood, almost chimerical. Would manufacturing countries consent to abandon such a profitable industry? Could countries which produced the poppy or the coca leaf be expected to relinquish the proceeds of their crops? Would Eastern countries which got a large revenue from their monopoly of the sale of opium surrender that source of

revenue? Would addicts give up paying exorbitant prices to gratify their insidious passion? And would traffickers abandon the colossal profits they derived from the frenzied cravings of the addicts?

The League at Work

Amidst this difficulty and discouragement, the League entered upon the task entrusted to it by the Covenant. It began by appointing the necessary Advisory Committee of Experts, and instructing its Secretariat to collect full particulars of the steps taken in different countries to apply the 1912 Convention, and to make up a compendium of reliable information as to the production, distribution and consumption of narcotics in each country. With the help of the Health Committee, the approximate world medical and scientific requirements of substances derived from opium and cocaine were ascertained; and this amount was about one-tenth of the actual output!

After a few years of quiet endeavour, it seemed possible to be more ambitious than the negotiators of 1912 had been.

The Geneva Convention of 1925

Thus arose the Geneva Convention of 1923, which supplemented and extended that of The Hague. It rendered import certificates compulsory, so that drugs could no longer enter freely into any of the signatory countries. It also provided for the more effective supervision of production and for a closer watch on the national and international traffic. It became possible to add other substances to the list of those falling under the Convention. In this way, the underhand moves of traffickers desirous of escaping from the Convention's restrictions, by inventing new chemical combinations

based on morphine, were to be defeated. The Convention further provided for the setting-up of a Permanent Central Opium Board, to which contracting parties would supply quarterly reports, giving the amounts of narcotics exported, imported or manufactured by them, the estimated needs for the following quarter, etc. By comparing this information, the Board would be able to watch the movement of drugs throughout the world and see precisely where leakages occurred. It would also be entitled to ask for explanations from Governments as to such leakages.

The Central Board was set up in 1928, and, by 1930, the Geneva Convention had been ratified by some forty States, which willingly submitted to this international system of control, although it involved stringent obligations on themselves.

This was an encouragement and a success for the League.

But the world seemed ripe for something more radical and more effective. Even in 1925, insistent voices had been raised in favour of limiting the national manufacture of narcotics as the only way to make sure that no margin was left for illicit traffic. The Assembly decided without further hesitation to summon a Conference in 1931 to turn this principle into an international fact. This was done by the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs (1931).

The 1931 Convention

The Convention has come into force and has been ratified by fifty-five States (September 1935). It marks a decisive stage in the League campaign against the drug traffic.

The main innovation is the establishment, at the seat of the League, of a Supervisory Body to keep exact accounts of the world trade in narcotics and to limit manufacture by States to the quantities strictly necessary to meet medical and scientific requirements, while leaving the necessary margin for the formation of reasonable stocks. This body examines the annual estimates that States undertake to supply of the narcotic drugs covered by the Convention which they will require for the following year. If a Government neglects this duty, the body itself makes the estimate, on the basis of the information in its possession.

Without going into further detail, we may say that the estimates, once adopted by the Supervisory Body, are binding on Governments, that exporting countries may not send to any country a quantity of narcotics exceeding the estimates supplied by that country, that the substances covered by the Convention are more numerous than those in previous Conventions, and that Governments which do not already possess such an organisation must establish a special administration to watch over the application of the Convention and to organise a campaign against addiction.

INNOVATIONS

It will be seen at once what a change this Convention makes in the history of international law and international relations. For the first time, a world body, recognised by the great majority of countries, has succeeded in establishing supervision over a complete branch of economic activity, from the production of the raw material to the consumption of the manufactured article. States have charged the League with applying,

in this particular field, an international plan of strict co-ordination between production and consumption. They have supplied it for the purpose with an international technical administration to regulate and supervise daily the relations between States as manufacturers, exporters, importers and consumers of an important class of industrial products.

PROBLEMS TO BE SOLVED

The task is far from completed. As might be expected, there is a distinct discrepancy between theory and practice, between the ideal and the reality. The illicit traffic is far from having stopped; it has changed its nature. It was formerly supplied secretly with drugs from licensed factories; but now its chief source is clandestine factories, which, owing to technical progress, can be rapidly set up and brought into operation in the most distant and unpoliced parts of the earth. To discover and eliminate these clandestine factories through the vigilance and zeal of individual Governments is one of the League's most formidable tasks. It has still to obtain, by international Convention, the consent of States to the more severe punishment of the illicit traffic in dangerous drugs and to the strict limitation of the output of raw materials required for their manufacture.

The essential point is, however, that, in a limited but important field, a work of close international co-operation has been undertaken. It has already had some success, and much may be hoped from the practical and energetic manner in which the new but highly skilled international administration at Geneva has entered upon its duties.

Part III

I. WORK OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

It has been mentioned in an earlier chapter [1] that the greater part of the legal work done by the League of Nations during the last twelve or fifteen years has been performed by the Permanent Court of International Justice at The Hague.

Three Procedures

The creation of the Court (1920-1922) was in itself an important innovation in the sphere of international law. To the means already existing for the pacific settlement of international disputes—conciliation and arbitration—was added a third: " international justice ". There was now open to Governments a truly permanent international tribunal, with its own judges, its own procedure, its own law and its own organisation. Before it ever sat, the Court enjoyed the confidence in principle of great and small Powers alike, owing partly to the method of election of its judges, ingeniously appointed simultaneously by the Assembly (in which the small Powers predominate) and by the Council (in which the great Powers have chief weight). The Court could be seized by a unilateral request, when a jurisdictional clause in a treaty or the accession of States to the Optional Clause of Article 36 of its Statute made it competent. In

[1] See page 130.

other words, one State could now in certain circumstances summon another, and the latter was bound to reply, or else fail to fulfil its international obligations, thereby incurring the reprobation of world opinion and exposing itself to a judgment by default.

In addition to this purely jurisdictional function, the Court possessed a second juridical function : under the terms of the Covenant, it could give in judicial form, at the request of the Council or Assembly, advisory opinions on any dispute or other that might be submitted to it.

Lastly, it was always open to two or more States to bring a case before the Court by signing a special agreement to that effect.

By one or other of these three diverse procedures, the Court was able at all times to dispense a true international justice—to settle conflicts by proclaiming the law. By determining and formulating such rules as might already exist in a latent state (in the form of customs, general principles, etc.), it could contribute to the gradual constitution of a more complete system of international law.

The Court has undoubtedly performed most excellently the task assigned to it by the Covenant, and has made full use of its opportunities.

Judgments and Opinions

So far, it has delivered over sixty judgments and opinions. Of these, about two-thirds concerned litigious cases, varying, of course, in importance. Some of them dealt with such difficult problems as the delimitation of international frontiers, while at other times, the Court has been asked for advisory opinions on points such as the postal rights of Poland in Danzig.

The Court has earned an enviable reputation for impartiality. More than once a dispute which has arisen between a powerful State and one far less powerful has been settled in the latter's favour; whereupon the powerful State has invariably yielded with a good grace.

Further, the judgments, orders and advisory opinions of the Court have, as a rule, been given by a large majority of the judges, and the reasons and grounds have been formulated in such clear, strong and convincing terms as to render any opposition impossible or idle.

Thus, in many disputes between States, the Council and the Court have collaborated so harmoniously that the losing party has not merely acquiesced, but has not exhibited the slightest ill-feeling. There have, indeed, been cases in which the two parties did not originally agree to lay their case directly before the Court, but preferred to bring it before the Council, or allowed the Council to take it up; and, subsequently, when the Council asked the Court for an advisory opinion in order to throw light on the subject, and adopted that opinion, the parties accepted it without recrimination.

Constitution of Precedents

All these judgments and opinions, following in succession, constitute a series of precedents which tend to become positive international law. True, Article 59 of the Statute provides, in conformity with the Continental system of law, that " the decision of the Court has no binding force except between the parties and in respect of that particular case ". But the principles enunciated by the Court inevitably influence future decisions and react even upon the attitude of States towards kindred or similar problems.

That is not the least useful aspect of the Court's impressive achievement.

II. WORK OF THE INTERNATIONAL LABOUR ORGANISATION

It has been mentioned above [1] that, under the terms of Article 23 *(a)* of the Covenant of the League of Nations, Members of the League must endeavour to secure and maintain fair and humane conditions of labour for men, women and children, and, for that purpose, establish and maintain the necessary international organisations. The organisations in question are the International Labour Conference, the International Labour Office and the Governing Body of the Office, which together make up the International Labour Organisation at Geneva.

Near approach to Universality

This autonomous institution, set up to achieve specific objects—to secure social peace and harmony in the world, as the League's object is to secure political peace and harmony—has made vast strides. In its own sphere, it approaches considerably nearer to universality than does the League. Two important countries—Brazil and Japan—which are no longer Members of the League, have remained Members of the International Labour Organisation, while the United States of America joined it in 1934. The work it has accomplished during the past fifteen years would need a volume to itself. [2] The brief chapter which is all that we can devote to it here is thus hardly on the scale of earlier chapters; but we

[1] See page 25.

[2] Consult also "The International Labour Organisation: what it is and what it has done", 1936 (Publication of the International Labour Organisation).

have thought it desirable to give the reader a rapid survey of its special activities.

Methods employed by the Organisation

Reference to the essential clauses of the constitution of the Organisation (annexed hereto) shows that its methods are, first, to frame draft conventions or recommendations deemed desirable by a majority of Governments and representatives of employers' and workers' organisations; next, to see that these international instruments are incorporated as far as possible in the labour legislation of the various States; lastly, to bear in mind that, in the last resort, all this international activity is of no use to States and to the workers unless the national laws, modelled on the texts framed at Geneva, are enforced in the letter and in the spirit, in a spinning-mill in the Far East as well as in the Lancashire mills, on the wharves of African ports as well as on the docks at Antwerp or Marseilles.

Conventions in force

We shall not dwell here on the forty-five or so recommendations which the International Labour Conference has adopted in the course of its nineteen sessions—important though they are, especially as much national legislation is based on them—but shall merely give some idea of what has been done in the matter of Conventions.

By October 15th, 1935, forty-six draft Conventions had come into force, and 650 ratifications had been obtained.[1]

[1] It would not be correct, however, to divide the 650 ratifications by the forty-six draft Conventions in order to obtain the average number of ratifications per Convention; for the

The practical scope and efficacy of these Conventions varies very considerably. There is, for example, no common measure between the 1919 Convention limiting hours of work in industrial undertakings (which was epoch-making in that it sanctioned the principle of the forty-eight-hour week) and the 1929 Convention concerning the marking of the weight on heavy packages transported by vessels. The International Labour Conference has necessarily been obliged on occasion to legislate on points affecting only a limited number of workers. In selecting subjects for conventions, it was inevitable that at least one of the required conditions should be the presumed general agreement of Governments, employers and workers on a given question, which might be of secondary importance. Actually, however, Conventions restricted as regards their field of application and objects have been quite the exception. By far the greater number of the Conventions adopted have a very wide scope as regards both their object (hours of work, fixing of minimum wages, social insurance, etc.) and their field of application—namely *all* industrial workers, or *all* agricultural workers, or *all* seamen, or *all* women, or *all* children of working age.

Their Value and Application

On carefully examining the text of these labour Conventions we find that, in point of fact, there is not one that is immaterial and that does not, when applied, lead, in some countries, if not all in, to an improvement on the conditions previously obtaining.

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most recent of these forty-six drafts—those of 1934 and 1935—ratification is not yet compulsory under the Statute of the International Labour Organisation.

The ratifications on which application depends are not all, of course, equal in value. Some remain more or less academic for a time, either because of delay in amending national legislation to bring it into harmony with these international provisions, or because, owing to local customs and social conditions, one country is not so ready for the introduction of such an amendment as another country.

Again, some Governments prefer not to ratify an international labour Convention until they have introduced the requisite legislative reforms and created the conditions necessary for its full and effective application. Thus the progress of the application of the Washington Eight-Hour Convention (1919) cannot be measured, and is not limited by the number of States—twenty—which have ratified it. It extends also to States which, on legal or other grounds, have not yet ratified it. This applies not only to Switzerland (where the workers already enjoy the maximum existing protection as regards hours of work and standard of living), but, more generally, to all the industrial countries of Western Europe which have not ratified the Convention (or not ratified it unconditionally)—Germany, the United Kingdom, France, etc.

RATIFICATIONS

Again, there are "key" ratifications conditioning others and possessing very special practical significance and value. For example, the recent British ratification of the (revised) Convention on the protection of dockers against accidents immediately opens up the way to further progress; for other States were waiting to ratify and contract new obligations until they saw what decision would be taken by the United Kingdom Government, which had proposed the revision of that Convention, adopted in its original form in 1929.

Hence the figures representing the total number of ratifications (thirty for the Convention on night work of young persons in industry (1919), twenty-six for the 1921 Convention on the application of a weekly rest in industrial undertakings, etc.) need extensive comment and interpretation if they are to assume their true value in the hard and bitter reality of working-class life and international competition. But none the less, every fresh ratification represents, in one aspect or another, an advance in the right direction.

Reduction of Hours of Work

The influence of the International Labour Organisation in reducing hours of work appears to have been considerable. Thus the eight-hour day, introduced under its auspices in 1919, has been successfully maintained, notwithstanding some attempts here and there to increase hours during the last few years.

Realising the logical consequences of the steady progress of machinery and the increasing extent to which it is superseding many forms of human labour and muscular effort, the Organisation recently took up the question of the forty-hour week, and in 1935 adopted a Convention of principle in order to encourage its practical introduction. There, again, it has proved able to translate into the realm of realities ideas which, with a few exceptions, had previously been theoretical.

Protection of Young Workers

Another very important sphere in which the action of the International Labour Organisation has been felt is the protection of young workers. The influence of the Conventions framed by it concerning the age of admission to industrial employment has extended to the Far

East. Here is an example. Towards the end of 1922, the International Labour Office was informed that, in some of the carpet-factories in a certain country on the Pacific seaboard, a Member of the Labour Organisation, child labour was employed under deplorable conditions. Friendly representations were made, and shortly afterwards the authorities of that country published and enforced a decree, the actual terms of which revealed the extent of the evil. It prohibited the employment of boys under 8 years and girls under 10 years of age; it prohibited the employment of workers suffering from infectious diseases; it provided that workshops must not be set up in damp underground premises; and it stipulated that looms should not be fixed more than one metre above the ground, and that the seats should be high enough for the children to work under satisfactory conditions.

This useful reform has since been followed in that country by general regulations applicable to all industries, and affecting upwards of 500,000 persons. The new law, which contains provisions concerning the age of admission to industrial employment, the employment of women, industrial hygiene, etc., is likewise based on the Conventions and recommendations framed on those subjects by the International Labour Organisation.

Protection against Social Risks

Take another example. The principle of collective protection against the chief social risks is becoming more and more widespread, and public opinion in every country is demanding with growing insistence that the community shall ensure individuals a minimum degree of protection against sickness, old age, and unemployment—in other words, that it shall guarantee them social

security. The International Labour Organisation has been instrumental in obtaining these results, more particularly by a series of six Conventions, finally adopted in 1933 after lengthy discussion, which deal with old-age insurance, invalidity insurance, and life insurance. Partly owing to the International Labour Organisation and its discussions and publications, the slump seems to have given a fresh impetus to social insurance, and to have brought it into prominence in countries which a few years ago rejected the very principle.

It is in this sphere that the International Labour Organisation has achieved some of its most unquestionable successes. To realise this, one need only compare the position of social insurance in 1920 and the position it occupies in the world in 1935.

The Organisation has also extended its activities to the colonial field. Through its efforts and as the outcome of its investigations, a Convention on forced labour was adopted under its auspices in 1930, following an international conference.

This brief chapter would be quite incomplete without at least a summary indication of what the International Labour Organisation is trying to do at present on the burning question of unemployment.

Unemployment

In the first place, it keeps the fullest possible unemployment statistics, and publishes a monthly return of unemployment all over the world. As a practical measure —and this is its chief contribution—it is seeking to improve the means available in every country for mitigating the effects of unemployment wherever it exists, and to find ways of actually reducing it. One such means, in its view, is to reduce hours of work. Hence its

endeavour to bring the Convention of principle on the forty-hour week into force, and the efforts it is now making to put the principle into practice in several industries. Other means have been advocated, such as public works, national or international, in favour of which the Organisation has been carrying on a campaign for the last six years.

Lastly, there is a matter to which it has devoted special attention for some few years past—the organisation of workers' spare time. As the daily hours of work diminish—owing partly to economic and partly to social necessities—everything should be done to enable the worker to employ his spare time in intellectual and artistic pursuits, and to cultivate his mind and at the same time keep physically fit. The question of workers' spare time is essentially one for the International Labour Organisation itself.

Such is the form that the activities of the International Labour Organisation are taking. Several of the enquiries it has undertaken march parallel with the League's own domain. Hence the need for close and regular collaboration between the two institutions—a need which is fully realised by both.[1]

[1] See, in particular, pages 145 and 162.

CONCLUSION

Such, viewed as a whole, is the League of Nations. Such are its weaknesses, and such is the force of the motive conception behind it, as manifested in its record.[1]

To an increasing extent, the League expresses and personifies the general interest of all nations in the preservation of peace. It makes the preservation of peace a collective responsibility in which every nation must take a more and more effective share; and the common-sense formula of " collective security by collective action " has been steadily growing in popularity for some years past.

One of the principal merits of the League is undoubtedly this : that, in a short space of time, it has proved the advantages of international consultation and established it as an ineradicable habit. Henceforward, whatever may happen, whatever surprises the future may have in store for mankind, it is certain beforehand that those who are responsible for the foreign policy of the States concerned will meet and take counsel together in the search of a peaceful solution acceptable to all.

The Covenant is not, of course, beyond criticism. It is open to amendment on various important points; indeed,

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[1] Those who wish to follow the current activities of the League should consult the *Official Journal of the League of Nations*, which contains among many other documents the Minutes of the meetings of the Council and Assembly, and the *Monthly Summary of the Work of the League*, published by the Secretariat in French, English, German, Spanish, Italian, and Czech.

far-reaching reforms may take place in the future, when a new international spirit has grown up. But for the moment this is not the essential, or even an important, point. Such as it is, with all its gaps and defects, the Covenant is of immense value. Loyally and firmly applied, it constitutes an almost insuperable obstacle to war. The shortcomings are not in the instrument itself, but in the peoples and their Governments, who, even with the best intentions, are too often held back by timidity, by routine, by prejudice, and cannot see where their duty lies, or are not prepared to do it. In short, the effectiveness of the Covenant depends on the extent of the League's success in minimising, or—better still—eradicating, the causes of war.

True, the League is not yet near enough to universality to be an irresistible force. The United States have not accepted the Covenant; Japan and Germany have left the League; and Paraguay has resigned rather than submit to its decisions. But it is only by doing all it can do in its present form that it can induce the countries outside to join or rejoin its ranks.

True, the men in power in the different States (Member and non-member States) have not the same conception of that mutual or collective security which the Statesa should endeavour to create. Their ideas differ even as to what a national policy should be to qualify as a policy of peace. Some aim at localising war. Others—the majority—believe that peace is one and indivisible, and that it is neither just nor feasible to allow a localised conflagration to be kindled in the hope that States not involved will come out unscathed. That, however, in the present state of the world, does not prevent particular countries from undertaking special responsibilities as guarantors of countries or frontiers which it is in their

special interest to defend, or which they are in a specially good position to defend.

True, again, the multiplication of pacts that has been a feature of the past few years is evidence of a certain sense of insecurity on the part of States, and of a passionate—not to say, precipitate—desire for support and assistance in case of danger. All the recent bilateral declarations of non-aggression and friendship, all the pacts of consultation, non-aggression, non-interference, mutual support, etc., which have been signed, or which Foreign Ministers are negotiating or would like to negotiate, are, up to a point, the reflection of an incomplete confidence in the protection that the Covenant can afford. But only up to a point; for there are ample indications that this purely empirical system of bilateral and other pacts is no more than a system of props to shore up the general structure of the Covenant at particular points, while the Covenant is felt to be satisfactory as a whole. There is thus being built up little by little in the world a balanced system of pacts and agreements which, according to the explicit declarations of their signatories, are not levelled against any other State. The balance resulting appears, after all, to have already led to a certain relaxation of political tension in some directions. It is to be hoped that this relaxation of tension will spread so that the League can again take up problems which, though superficially technical, are fundamentally political, such as the fixing of national armaments by agreement at a level not to be exceeded.

The sense of international solidarity appears to be increasing in a number of different directions, and the peoples seem to be beginning, under the spur of necessity, to appreciate truths which had escaped them before. Here is the object of the energetic efforts which are being

made on lines parallel to those of the League itself by a number of different international organisations, private or semi-official, each in its own sphere, on a continually increasing scale; there are now more than eight hundred of such bodies. Perhaps their most striking feature is that most of them are the fruit of private initiative. No sooner does the need for order or international collaboration make itself felt in any given direction than provision is made in one form or another for an appropriate organ of international consultation. An instance is the International Broadcasting Union, which was set up some years ago in order to make a fair distribution of wave-lengths between the different broadcasting stations throughout the world, and settle questions of conflicting competence as and when they arose.

It is to the same deep-rooted need that the League of Nations responds, on its own higher plane. It may be taken as established once for all that the League embodies the only known method of handling international problems, in all their apparent complexity, in an orderly, just, wise and effective manner. A little more education of the rising generation, and this truth will be everywhere recognised.

Part IV

ANNEXES

I. THE COVENANT OF THE LEAGUE OF NATIONS [1]

THE HIGH CONTRACTING PARTIES

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,
by the prescription of open, just and honourable relations between nations,
by the firm establishment of the understandings of international law as the actual rule of conduct among Governments,
and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

ARTICLE 1

1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named

[1] Text numbered in conformity with the resolution adopted by the seventh ordinary session of the Assembly on September 16th, 1926, and containing Article 6 as amended, in force since August 13th, 1924, Articles 12, 13 and 15 as amended, in force since September 26th, 1924, and Article 4 as amended, in force since July 29th, 1926. The texts printed in italics indicate the amendments.

in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

2. Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

3. Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

ARTICLE 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ARTICLE 3

1. The Assembly shall consist of Representatives of the Members of the League.

2. The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

3. The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

4. At meetings of the Assembly, each Member of the League shall have one vote, and may have not more than three Representatives.

ARTICLE 4

1. The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four

Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

2. With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be Members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

2bis. The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.

3. The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

4. The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

5. Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

6. At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

ARTICLE 5

1. Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

2. All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees

to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

3. The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

ARTICLE 6

1. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

2. The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

3. The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

4. The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

5. *The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.*

ARTICLE 7

1. The Seat of the League is established at Geneva.

2. The Council may at any time decide that the Seat of the League shall be established elsewhere.

3. All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

4. Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

5. The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

ARTICLE 8

1. The Members of the League recognise that the maintenance of peace requires the reduction of national armaments

to the lowest point consistent with national safety and the enforcement by common action of international obligations.

2. The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

3. Such plans shall be subject to reconsideration and revision at least every ten years.

4. After these plans have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

5. The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

6. The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

ARTICLE 9

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

ARTICLE 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE 11

1. Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared

a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the Secretary-General shall, on the request of any Member of the League, forthwith summon a meeting of the Council.

2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE 12

1. The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration *or judicial settlement* or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators *or the judicial decision* or the report by the Council.

2. In any case under this article the award of the arbitrators *or the judicial decision* shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE 13

1. The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration *or judicial settlement*, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration *or judicial settlement*.

2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration *or judicial settlement*.

3. *For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article* 14, *or any tribunal agreed on by the parties to the dispute or stipulated in any Convention existing between them.*

4. The Members of the League agree that they will carry out in full good faith any award *or decision* that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award *or decision*, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE 14

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

ARTICLE 15

1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration *or judicial settlement* in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

2. For this purpose, the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

3. The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

6. If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

8. If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

9. The Council may in any ease under this article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute provided that such request be made within fourteen days after the submission of the dispute to the Council.

10. In any case referred to the Assembly, all the provisions of this article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE 16

1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall, *ipso facto*, be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

ARTICLE 17

1. In the event of a dispute between a Member of the League and a State which is not a member of the League or between States not members of the League, the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purposes

of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

2. Upon such invitation being given, the Council shall immediately institute an enquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

3. If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

4. If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE 18

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall, as soon as possible, be published by it. No such treaty or international engagement shall be binding until so registered.

ARTICLE 19

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

ARTICLE 20

1. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

2. In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

ARTICLE 21

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

ARTICLE 22

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

6. There are territories, such as South West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

ARTICLE 23

Subject to and in accordance with the provisions of international Conventions existing or hereafter to be agreed upon, the Members of the League :

(a) will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to

which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

(b) undertake to secure just treatment of the native inhabitants of territories under their control;

(c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

(d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;

(f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

ARTICLE 24

1. There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

2. In all matters of international interest which are regulated by general Conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

3. The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

ARTICLE 25.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

ARTICLE 26

1. Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

2. No such amendments shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

II. EXTRACT OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

Provided for by Article 14 of the Covenant of the League of Nations

Statute of the Court

ARTICLE 1

A Permanent Court of International Justice is hereby established, in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organised by the Conventions of The Hague of 1899 and 1907, and to the special Tribunals of Arbitration to which States are always at liberty to submit their disputes for settlement.

. . . . . .

ARTICLE 2

The Permanent Court of International Justice shall be composed of a body of independent judges elected regardless

of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognised competence in international law.

. . . . . .

ARTICLE 3

The Court shall consist of fifteen members.

. . . . . .

ARTICLE 4

The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

. . . . . .

ARTICLE 9

At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilisation and the principal legal systems of the world.

. . . . . .

ARTICLE 10

Those candidates who obtain an absolute majority of votes in the Assembly and in the Council shall be considered as elected.

. . . . . .

ARTICLE 13

The members of the Court shall be elected for nine years. They may be re-elected.

. . . . . .

ARTICLE 16

The ordinary members of the Court may not exercise any political or administrative function.

. . . . . .

ARTICLE 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

. . . . . .

ARTICLE 22

The seat of the Court shall be established at The Hague.

. . . . . .

ARTICLE 23

A session of the Court shall be held every year.

. . . . . .

ARTICLE 25

The full Court shall sit except when it is expressly provided otherwise.

. . . . . .

ARTICLE 33

The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

. . . . . .

ARTICLE 34

Only States or Members of the League of Nations can be parties in cases before the Court.

. . . . . .

ARTICLE 35

The Court shall be open to the Members of the League and also to States mentioned in the Annex to the Covenant.

The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, ...

. . . . . .

ARTICLE 36

The jurisdiction of the Court comprises all cases which the

parties refer to it and all matters specially provided for in Treaties and Conventions in force.

. . . . . .

The Members of the League of Nations and the States mentioned in the Annex to the Covenant may . . . declare that they recognise as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes . . . . . .

. . . . . .

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

. . . . . .

ARTICLE 38

The Court shall apply :

1. International Conventions, whether general or particular, establishing rules expressly recognised by the contesting States;

2. International custom, as evidence of a general practice accepted as law;

3. The general principles of law recognised by civilised nations;

4. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex æquo et bono*, if the parties agree thereto.

. . . . . .

ARTICLE 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

. . . . . .

ARTICLE 55

All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the President or his deputy shall have a casting vote.

. . . . . .

ARTICLE 56

The judgment shall state the reasons on which it is based.

It shall contain the names of the judges who have taken part in the decision.

. . . . . .

ARTICLE 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

. . . . . .

ARTICLE 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open Court, due notice having been given to the agents.

. . . . . .

ARTICLE 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

. . . . . .

ARTICLE 71

Advisory opinions shall be given after deliberation by the full Court. They shall mention the number of the judges constituting the majority.

. . . . . .

Dissenting judges may, if they so desire, attach to the opinion of the Court either an exposition of their individual opinion or the statement of their dissent.

. . . . . .

ARTICLE 72

Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request, signed either by the President of the Assembly or the President of the Council of the League of Nations, or by the Secretary-General of the League under instructions from the Assembly or the Council.

. . . . . .

ARTICLE 74

Advisory opinions shall be read in open Court, notice having been given to the Secretary-General of the League of Nations and to the representatives of States, of Members of the League and of international organisations immediately concerned. The Registrar shall take the necessary steps in order to ensure that the text of the advisory opinion is in the hands of the Secretary-General at the seat of the League at the date and hour fixed for the meeting held for the reading of that opinion.

. . . . . .

III. EXTRACTS FROM THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Section I.—Organisation of Labour

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness,

disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following :

ARTICLE 1 (387)[1]

1. A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.

2. The original Members of the League of Nations shall be the original Members of this organisation, and hereafter membership of the League of Nations shall carry with it membership of the said organisation.

ARTICLE 2 (388)

The permanent organisation shall consist of :

1. A General Conference of Representatives of the Members, and

2. An International Labour Office controlled by the Governing Body described in Article 7 (393).

ARTICLE 3 (389)

1. The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.

. . . . . .

[1] The numbers in parentheses are those of the corresponding articles of the Treaty of Versailles.

ARTICLE 6 (392)

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

ARTICLE 7 (393) [1]

1. The International Labour Office shall be under the control of a Governing Body consisting of thirty-two persons :

Sixteen representing Governments,
Eight representing the employers, and
Eight representing the workers.

. . . . . .

ARTICLE 10 (396)

1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

. . . . . .

4. It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

. . . . . .

ARTICLE 19 (405)

1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form : *(a)* of a recommendation to be submitted to the Members for consideration with a view to effect being given

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[1] The text of this article is that of an amendment adopted by the International Labour Conference on November 2nd, 1922, which came into force on June 4th, 1934.

to it by national legislation or otherwise, or *(b)* of a draft international convention for ratification by the Members.

. . . . . .

5. Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or, if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

. . . . . .

7. In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

8. If on a recommendation no legislative or other action is taken to make a recommendation effective, of if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

. . . . . .

ARTICLE 22 (408)

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

ARTICLE 23 (409)

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of

any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made, and may invite that Government to make such statement on the subject as it may think fit.

ARTICLE 24 (410)

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

ARTICLE 25 (411)

1. Any of the Members shall have the right to file a complaint with the International Labour Office, if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing articles.

. . . . . .

ARTICLE 30 (416)

In the event of any Member failing to take the action required by Article 19 (405), with regard to a recommendation or draft convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

. . . . . .

Section II.—General Principles

ARTICLE 41 (427)

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I, and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do that labour should not be regarded merely as an article of commerce, they

think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance :

1. The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

2. The right of association for all lawful purposes by the employed as well as by the employers.

3. The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

4. The adoption of an eight-hour day or a forty-eight-hour week as the standard to be aimed at where it has not already been attained.

5. The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

6. The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

7. The principle that men and women should receive equal remuneration for work of equal value.

8. The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

9. Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are Members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

IV—STATES MEMBERS

(ON DECEMBER 31ST, 1935)

1. Afghanistan
2. Africa (Union of South —)
3. Albania
4. Argentine Republic
5. Australia
6. Austria
7. Belgium
8. Bolivia
9. Great Britain (United Kingdom of — and Northern Ireland)
10. Bulgaria
11. Canada
12. Chile
13. China
14. Colombia
15. Cuba
16. Czechoslovakia
17. Denmark
18. Dominican Republic
19. Ecuador
20. Estonia
21. Ethiopia
22. Finland
23. France
24. Greece
25. Guatemala
26. Haiti
27. Honduras
28. Hungary
29. India
30. Iran
31. Iraq
32. Irish Free State
33. Italy
34. Latvia
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37. Luxemburg
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40. New Zealand
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